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International Court of Justice

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OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMANN WILHELM GOERING ET AL., DEFENDANTS, SITTING AT NURNBERG, GERMANY, ON 5 AUGUST 1946, 1000-1700, LORD JUSTICE LAWRENCE PRESIDING.

THE PRESIDENT: Yes, Dr. Delckmann

HANS ROESSNER -- Resumed

DIRECT EXAMINATION-- Continued

BY DR. DELCKMANN (Counsel for the SS):

Q. Witness, on Saturday you said that the witness Rascher, the accused Rascher, had been in a concentration camp, at the end. Did you approve of this settlement of the affair ?

A. No. I was of the opinion that these criminal deeds should be punished by court trial.

Q. If you did not approve of this settlement without a formal trial, what were you able to do against it ?

A. I amy repeat that without interruption I applied to Himmler's office and I made inquiries of the Supreme SS and Police Court. I amy point out that the binding regulations of the Kriegsstrafverfahrungs Ordnung-- the War Penal Code-- provided that Himmler alone was competent. A complaint to Hitler through Himmler would have been possible for me, but in view of the existing situation, this was a practical impossibility. Neither an oral nor a written complaint or report from me would ever have reached Hitler.

I may explain that, despite my high state and Party position and the nine years of my official activity in Munich, on only one signle time, for about ten minutes, was I admitted to see Hitler because he wanted a report from me on the blocking off measures on the occasion of a big demonstration. That is the only time.

The only other thing I could have done was to resign. On the basis of the existing regulations, this would doubtless not have been accepted.

The last possibility was eigher to commit suicide or to refuse obediance as a soldier, for I was a general of the Waffen SS and was bound by my oath of allegiance to the flag. Then I would have been courtmartialed and sent to a concentration camp.

Q. You just said that you were a General of the Waffen SS. So far you have told the Tribunal only that you were a member of the General SS. When and for what reason did you become a General of the Waffen SS, althou.. up to then you had had nothing whatever to do with the Waffen SS ?

A. In the fall of 1944 Himmler became Commander in Chief of the Reserve Army. When he took over this office, the prisoner of war system also came under his jurisdiction. Himmler transferred to the Higher SS and Police Chiefs in the fall of 1944 the responsibility for safeguarding prisoner of war camps against mass escapes and attempts to liberate prisoners from the outside. For this purpose, the Higher SS and Police Chiefs were made Higher Commanders of the prisoners of war. International regulations regarding prisoners of war -- according to these regulations, police could not be used to guard prisoners of war. The Higher SS and Police Chiefs were taken over into the Waffen SS and appointed Generals of the Waffen SS.

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THE PRESIDENT : If you could go a little bit faster, if you could speak a little bit faster, I think it would be convenient to the Tribunal.

BY DR. PELCKMANN :

Q The Prosecution evaluates the fact that Himmler, in September of 1944, as Commander-in-Chief of the reserve army, became chief of the Prisoner of War System and that the SS had now been in charge of prisoners of war; is that true?

A That is not true. Aside from the higher commander of the prisoner of war, no other SS member had anything to do with the prisoners of war.

Q The prosecution further asserts that through the transfer of these prisoner of war tasks to Himmler or to the higher commander of prisoners of war in the fall of 1944 the inhumane treatment and destruction of allied prisoners of war by the SS was systematically promoted. Is that true?

A No, because as far as within the camps, the internal administration, the camp Commandant of the Wehrmacht continued responsible for that. The task assigned to us was ass security, which began only outside the camp. Moreover, during the visit which I made to the individual camps during the six months of my competency, I always questioned the prisoners of war themselves and asked them whether they had any complaints. Not a single complaint of this type reached me fron these men.

Q As higher commander of prisoners of war from the fall of 1944 on, did you nhave anything to do with the labor commitment of prisoners of war?

A No. The labor commitment was regulated by a labor commitment staff of the Wehrmacht in cooperation with the provincial labor offices or with those parties leading labor.

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The higher commander of prisoners of war did not deal with this.

Q From the fall of 1944 on, was there any change in your jurisdiction over concentration camps, or your lack of jurisdiction over them, as you described it Saturday?

A In the fall of 1944, as in the case of prisoner of war camps and concentration camps as well, the higher SS and police chief was given the responsibility for safeguarding the camps from the outside for the same reasons as just mentioned, with a view to maintaining state security.

Q For the delivery of prisoners to the camps did the RSHA remain responsible, and for the administration of camps, Amtsgruppe D was responsible?

A Yes, for administration and relief, Amt VI of the RSHA, and for internal administration of the camp, the inspectorate of concentration camps, Amtsgruppe D of the economic and administrative main office.

Q Can you give an example from the last phase of the war of how difficult it was for you, because of your limited powers, to prevent the death of thousands of concentration camp inmates?

A Yes. In the beginning of March, 1945, the Gauleiter and Reichs Defense Kommissar Giesler in Munich ordered me to come to him, and demanded that I should influence the Kommandant of Dachau to the effect that when the American troops approached the prisoners - there were 25,000 people there at the time - were to be shot. I refused this demand with indignation, and I pointed out that I could not give any orders to the Kommandant, whereupon Giesler said to me that he, as Reichs Defense Kommissar, would see to it that the camp would be bombed by our own forces. I told him that I considered it impossible that any German air force commander would be willing to do this. Then Giesler said he would see to it that something would be put into the soup of the prisoners. That is, he threatened to poison them.
From my own initiative I sent an inquiry to the inspector of

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the concentration camp by telotypo and asked for a decision from Himmler as to what was to be done with the prisoners in case the American troops approached. Shortly thereafter the news came that the camps were to be surrendered to the enemy. I showed that to Gisler. He was quite indignant because I had frustrated his plan and had put it on a different point of view. Shortly thereafter we had another clash regarding the defense of the city of Munich, which was completely hopeless. The Wehrkreis Commander was thrown out eight days before me, and on the 20th of April I was also dismissed and all my offices were taken away from me, and I was without power.

THE PRESIDENT : The man you are speaking of, the Gauleiter, was Gauleiter of what district? What Gau?

THE WITNESS : Munich and Upper Bavaria. He was also Bavarian Prime Minister and Bavarian Minister of the interior and Reichs Defense Kommissar.

BY DR. PELCKMANN :

Q Witness, you have just described the various characteristics of Gauleiter Gisler. According to the structure of internal administration at the time, did he formally have the right to the action which he intended to carry out?

A Yes. The Reichs Defense Kommissar, in all questions of the defense of the country, could put his will through on the basis of the existing regulations for the Reich Defense Kommissar. In addition, as I have already said, the man was Bavarian Prime Minister, and as such he had the powers in the province.

Q Since in some of the final pleas of my colleagues it was indicated that in the course of the war the SS -- it was given in this form, that the SS represented the government in Germany, will you please describe in whose hands, according to your opinion, according to your experience at the time in such a high position, in whose hands the state power was, from 1933 to 1945.

A In any case, not in the hands of the SS. During the war, important functions of the Reich power were in the hands of the

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Reich Defense Kommissars, who could take part in all things except the Reich Special Administration. I may refer to the Reich legal regulations of the 16th of November, I believe, 1942. Moreover, through the influence of Martin Bormann, things in the Reich were directed more or less by the Gauleiter and the Reich Defense Kommissars. The SS, in any case, was no different and decisive factor. The general SS, as I testified on Saturday, no longer existed in the country, and the troops of the Waffen SS were at the front.

Q One more question, witness. When and in what way did you learn that members of the Jewish population in your district were deported to the East?

A I believe in 1941 I learned by accident, that is, from a report of the Criminal Police of Munich from the morning report that in the preceding night a number of suicides had taken place in Munich. That attracted my attention as being something quite unusual. I tried to clear up the matter by asking the head of the Criminal Police why there had been the suicides. I believe there were six or eight in one night. He referred me to the Gestapo. Through the head of the state police I learned that the removal of a few hundred - I believe - Jewish inhabitants of Munich or the district - I don't know whether they were all from Munich - was ordered. In answer to my question as to where they were to be sent, I was told that was a re-settlement for the purpose of labor commitment in the East, and it was said credibly that the trains had already been arrang d for with the Reichsbahn Directorate and that the choice of persons, on instructions from the RSHA to the Gestapo, had been reached in agreement with the Israelitic community. The persons in questions were in the possession of certain amounts of money, of food cards, and of a certain

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amount of baggage. There were cars with fortification tools, that is, spades and so forth, in the train. That is what I learned at the time.

Q Why was it that you learned of these things in this way Should you not have been informed previously in one of your official capacities?

A I could have been informed, but I can only describe how it actually happened.

Q Then if I understood you correctly, there was no obligation of the Gestapo office to inform you?

A For the Gestapo, no, but for the inspector of the Security Police.

Q Witness, you have attempted, in answering my questions, to say that you as Fuehrer of the general SS, committed no crimes, as the Prosecution asserts, I have given some examples, and that the members of the general SS did not commit such crimes, so that in your opinion one cannot say that the general SS was a criminal organization. But I must now submit to you that proof of criminal deeds has been given. I remind you of the thousands of deaths in the concentration camps, of thousands of Einsatz-gruppen and Einsatzkommandos, of thousands of Jews shot in the East by Einsatzgruppen and Einsatzkommandos, and I remind you of the gas chambers at Auschwitz. Now I ask you, what did you know o those things up to 1945?

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A. I knew nothing. During the whole war, without interruption, I was in Munich, without being in the occupied territory. Today I wkn w that it was impossible for a person who was not initiated to penetrate into the secret parts of the concentration camp. There were indications here and there. In my official capacity I saw foreign papers which had be confiscated, but they contained things which were not ture; I knew from my experience. As a resu I considered reports on such atrocities as evidence of enemy propaganda. I did not listen to enemy radio broadcasts. As the Tribunal known, it was forbidden for every German. Since we had to punish people who broke this law, I did not think I should do it myself. As for the mass of the men of the General SS, they neither had a part in these atrocities nor did they know about them according to my firm conviction. I am convinced that on the basis of the good relation f confidence between my men and me, they would certainly have asked questions of me when they came to visit me on their leaves. They would have asked me certainly. They would have said, "Obergruppen Fuehrer, do you know about these things ? Is it true ? " No one of the men asked me anything like that.

Q. On the basis f your knowledge of the organization and the fact that you have learned after the beginning of the trial or after the collapse, do you maintain that the mass of members of the General SS for whom you are testifying here, did not have a part in these crimes ?

A. Yes.

Q. At the wish of the Court I have reduced the number of witnesses to the absolute minimum of five witnesses, I will only bring such witnesses as those who can give the Court answers on organizational questions and basic questions. Therefore, in spite of your high rank, I must ask you what the mass of these many thousands of unknown members of the SS, according to your conviction, knew ? I will submit affidavits, documents and other proof later .

A. In spite of my position and in spite of my survey, I knew nothing. I can only repeat; how were the men to know about it who were out at the front or the few who remained at home. The horrible things that happened after

the catastrophe, the collpase -- those things were learned in the concentration camp. Hundreds of thousands of people were on the move. Thousands of people were brought from the border territory into the few camps which were still available in southern Germany, in Dachau. There was an uninterrupted stream of people coming in throughout the winter. There was a typhus epidemic which claimed many victims. I learned that, also, only by accident through the Gauleiter and Reich Defense Commissioner. The workers for clearing away debris after air raids could not be supplied be ause of the typhus epidemic.

Later, I heard from a conference that this epidemic had had many victims. Moreover, in the last few weeks, railroad lines were destroyed. The food supply was blocked. There was hunger to a considerable extent. The Commandant told me it was impossible to stop this epidemic. There was no more medicine. The terrible pictures, about which we all know, which have been shown here. In any case, the mass of the men of the General SS and the other members of the Waffen SS could not have known about them since no one could see into the camp. The General SS for which I am speaking here could not have prevented it.

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DR. PELCKMANN: For the point which the witness mentioned, the secret fear in the concentration camps and the difficulty of penetrating into them I refer particularly to the contents of the affidavits SS 64 to 67 and 69, affidavits of SS judges who concerned themselves with these things.

I have no more questions, Mr. President. Thank you.

CROSS EXAMINATION

BY MR. ELWYN JONES:

Q. Witness, you denied on Satuhday, that the SS was the heart of Nazism. Would you agree with me that it was the fist ?

A. I didn't understand exactly. I beg your pardon.

Q. I will put the question to you again. You denied on Satruday that the SS was the heart of Nazism. Would you agree with me that it was the fist ?

A. I did not understand the word before "SS" ?

Q. I will put the question to you again. I am surprised that you cannot understand the question. I will try again.

You denied on Satruday that the SS was the heart of Nazism. Would you agree with me that it was the fist ? This the fist, (Indicating).

A. Oh, the fist. I assume that the Prosecutor means to say that with this fist we waged an attack. I can only point out that we, as Schutz-Staffel had to protect leading personalities.

Q. What I meant by the fist was that the SS supplied the brute force of Nazism. Is that not so ?

A. I can only refer to what I described, that before 1933 we were a very small group of men, who up to 1933 amounted to about 25,000 to 35,000 men throughout Germany. Germany had about 65 million people in 1933, but it was in no proportion to the size of the Party as such.

Q. You are not answering my question, you know. You are wandering off into details that have no relevance to my question at all. I suggest to you that the killings by the SS on the 30th of Junes 1934 were a characteristic use of the SS as the fist of Nazism.

A. The events of the 30th of June 1934 were, according to my firm conviction and to that of my comrades, the result of a state of emergency and the orders which were given were carried out on the basis of the orders of the head of the state.

Q. You denied on Saturday that the SS had taken any part in the shootings of the 30th of Junes 1934 . Are you seriously saying to the Tribunal that that is your evidence on that matter ?

A. I can only say that in my field, in my district, the General SS was in the barracks of the Wehrmacht and the police, not on the street, and they did not shoot.

Q. So you are saying that it was the Wehrmacht and the police that did the shooting that it was the forces of General Keitel and the others who were doing the shootings, are you ?

A. I did not mention those two names, nor did I say that the Wehrmacht had carried out the shootings. In answer to the question of the defense counsel, I told why I believed that there was a state of emergency. I said that I received instructions to establish contact with the commander, of the Wehrkreis, but that does not mean that the Wehrmacht was to supply executions details or anything like that, but only t have the possibility with the approval of the Wherkreis commander, to receive billets in barracks.

Q. You were a frequent visitor to Dachau, weren't you ?

A. Yes.

Q. And you saw nothing there except good shower baths, good food, satisfactory sanitation; that was a rest camp ? That was your evidence on Saturday about Dachau, wasn't it ?

A. I did not use the word "rest camp". I was a soldier from 1940 on and I had an impression of how it looks in troop billets and in a camp. I can only repeat that the sanitary installations which I saw were in excellent order, that during peacetime the prisoners had a very good state of nutrition and, as I saw during the war, they received average food like every other German. I can only say here on oath that which I myself saw with my own eyes.

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Q. Did you ever ask to see the punishment cells, the completely dark cells where people were kept for three months on bread and water ?

A. I can recall that such a tour through the camp went through a cell prison, that was a stone building.

Q. If you answer my questions, we shall get on faster.

A. Yes.

Q. Did you ever see the completely dark cells ?

A. I must say that one cannot see from outside a cell whether it is dark. Of course, every cell in every prison can be darkened. I did not see any, but for example, I know as Police President, that for some prisoners there are cells with small windows. I didn't see them, but I will admit that there could have been such cells.

Q. Did you ever ask to see the camp regulations for the punishment of prisoners who committed offenses in the camp ?

A. No, I did not demand that. The camp commandant made an exhaustive rep during the tours. I had no authority to intervene in his affairs before these guests.

Q. I just want you to look at what the regulations were as early as May 1933.

MR. ELWYN JONES: I put the document D-922 my Lord, which will be Exhibit GB 548.

Q. (continuing) Now, these are the regulations for the camp of Dachau which was on your doorstep, you know, and you see in Paragraph 3 the punishments that can be imposed on prisoners :

"Cells may be mild, medium, or severe. The maximum term of the first two kinds is eight weeks and three months for the severe arrest. The execution of this kind of punishment is generally in solitary confinement. In the case of medium cells, the person undergoing punishment receives a hard bed and only bread and water for food. Severe cells takes the same form as the medium, but in a completely dark cell."

And then, if you will look at Paragraph 8 of the regulations, you will see that there is given power of life and death to the camp commandant

of Dachau and his staff. And in Paragraph 18, which sets out the procedure to be followed in the event of charges of disobedience for which a death penalty are decided by a camp court which consists of the camp commandant, one or two officers to be nominated by the camp commandant and an SS man belonging to the guard personnel.

"The Prosecution is also to be undertaken by an SS man belonging to the camp commandant's office who is to be nominated by the camp commandant. In the case of an even vote, the President of the Camp Court has the casting vote. The President, is the current camp commandant."

Did you know that the power of life and death had been given in that way to these SS men who were running the concentration camps, witness ?

A. This document has no heading and no signature. I amy point that out. I have not seen these regulations.

Q. I would be obliged if you could answer my question. Did you know that the power of life and death was given to the SS officials who ran these concentration camps as far back as 1933 ?

A. I do not know that. I cannot imagine it. I assume that executions were ordered by higher authorities, but I cannot pass judgment on that.

Q. But you were the Higher SS and Police Chief for many years. You were Himmler's man, you know, weren't you ?

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A In mytestimony I have repeatedly stated that the Higher SS and Polic. Chief, the Oberabschnittsfuehrer of the General SS, and the Police President had no influence whatever on internal arrangements in the camp and were not the superiors of the camp commandant.

Q But whether you had influence or not, you were a confident of Himmler, his personal representative. Are you saying to the Tribunal that you did not know what the details of Himmler's murderers' organization were?

A According to these regulations which were shown to me, which indicate jurisdiction over life and death, I can only say that it was unknown to me, and that Himmler never once spoke to me about these things; nor did I ever receive regul ations for mea ure in a concentration camp.

Q Did you ever hear of Oswald Pohl?

A Yes.

Q He was the head of the economic and administrative office of the SS, was he not, the WVHA?

A Yes.

Q Did you know that this organization, using SS personne, was employing murder as a means to establish loot on a colossal scale for the benefit of the Waffen SS and other SS organizations?

A Yes; I heard that in the camp where I was. I never heard anything about it beforehand, but gold teeth and such were collected.

Q Did you know of the great business in death that was bringing millions of marks to the coffers of the Reichsbank? And it was involving numerous departments of the Third Reich.

A No, I did not know that.

Q Let me just read to you Oswald Pohl's affidavit, given to Dr. Kempner upon this matter -- it is Document 4045PS, which will be GB 549 - so that perhaps your memory may be refreshed. The affidavit reads:

"1. My name is Oswald Pohl, I was born in Duisburg, Germany, on 30th July 1892. Since 1st February 1934 I was chief of the Economic and Administration Main Office of the Elite Guard (Schutzstaffel) (WVHA). I occupied this position permanently until Germany's capitulation.

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"2. Through my activity as Chief of the WVHA I remember clearly two large business deals between my office and the Reich Ministry of Economics and the Reich Bank of Mr. Walter Funk. One deal concerned textiles from persons killed in concentration camps. In this connection Himmler endeavoured to procure through Reich Economics Minister, Walter Funk, a higher allotment for the SS in the uniform material distribution. The other business deal concerned the business connection of my office with the Reich Bank President, Walter Funk, and the Reich Bank with regard to jewelry, rings, told teeth, foreign exchange and other articles of value from the possessions of people, particularly Jews, who had been killed in concentration camps.

"3. The connection of my office with the Reich Bank with regard to textiles of persons who had been killed in concentration camps, was instituted in the year 1941 or 1942. At that time I received the order from the Reich Fuehrer-SS and the German Police, Heinrich Himmler, who was my chief, to get in touch with the Reich Economics Minister, Walter Funk, to obtain a higher allotment of textiles for SS uniforms. Himmler instructed me to demand from Funk that we receive privileged treatment. The Ministry of Economics was receiving from the concentration camps a large amount of textiles delivered. These textiles had been collected in the extermination camp, Auschwitz, and other extermination camps, and then delivered to the proper office for used textiles.

"4. As a result of this order received from my superior, Himmler, I visited the Reich Economics Minister, Funk, in his offices. I waited only a short while in his ante-room and then met him alone in his office. I informed Funk of my instructions that I was to ask him for more textiles from the actions against Jews. I told him that we required these textiles for the Waffen-SS. The meeting lasted around ten minutes. It was openly discussed that we earned perhaps privileged treatment on account of the delivery of old clothes of dead Jews. It was a friendly conversation between Funk and myself and he said to me that he would settle the matter favorably with the gentlemen concerned. How the subsequent settlement between Funk and his subordinates and my subordinates was handled in detail I do not know.

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"5. The second business deal between Walter Funk and the SS concerned the delivery of articles of value of dead Jews to the Reich Bank. It was in the year 1941 or 1942 after larger quantities of articles of value, such as jewelry, gold rings, gold fillings, spectacles, gold watches and such, had been collected in the extermination camps. These articles of value came in packed crates to Berlin to the WVHA. Himmler had ordered us to deliver these things to the Reich Bank. I remember that Himmler explained to me that negotiations concerning this matter had been conducted with the Reichsbank and Mr. Funk. As a result of an agreement which my Chief had made, I discussed with Reichsbank Director Emil Puhl the manner of delivery. In this conversation no doubt remained that the objects to be delivered were the jewelry and valuables of concentration camp inmates, especially of Jews, who had been killed in extermination camps. The objects in question were rings, watches, eye glasses, gold bars, wedding rings, brooches, pins, frmaes of glasses, foreign currency and other valuables. Further discussions concerning the delivery of these objects took place between my subordinates and Puhl and other gentlemen of the Reichsbank. It was a giant quantity of valuables, since the delivery continued for months and years.

"A part of these valuables of people killed in death camps I saw myself when Reichsbank President Funk and Vice-President Puhl invited us to an inspection of the Reichsbank vaults and subsequently to dinner. I don't remember exactly whether this was in 1941 or in 1942, but I do remember that I already know Funk personally at that time from the textile industry, as I have described above. Vice President Puhl and several other gentlemen of my staff went to the vaults of the Reichsbank. Puhl himself led us on this occasion and showed us gold bars and other valuable possessions of the Reichsbank. I remember exactly that various trunks of objects from concentration camps were opened. At this time Puhl of Waldhecker, who accompanied him, stated in my presence and in the presence of the gentlemen of my staff that a part of these valuables had been delivered by our office.

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"After we had inspected the various valuables in the vaults of the Reichsbank, we went upstairs to a room in order to have dinner with Reichsbank President Funk; this had been arranged for the time following the inspection. Besides Funk and Puhl the gentlemen of my staff were present; we were about 10 to 12 persons. I sat beside Funk and we talked among other things about the valuables, which I had seen in his vaults. On this occasion it was clearly stated that a part of the valuables which we had seen came from concentration camps.

Q Now, is the material contained in that affidavit news to you, witness?

A Yes, absolutely.

Q You had no knowledge of it at all?

A No.

Q Did you know that SS personnel were used for the great manhunt of Jewish people all over Europe?

A I have read reports here during the trial that a certain Eichmann, an SS member, had this task. I never saw Mr. Eichmann; I never had anything to do with him. I knowthe facts from this report in this trial.

Q Did you know that one of the objects of those manhunts, apart from murder, was to secure loot for the SS and for kindred Nazi organizations?

A No, I did not know that. I know quite well that I was always in this country and never had anything to do with these matters.

Q Did you know your colleague, Higher SS and Police Chief Globocnik -- G-L-O-B-O-C-N-I-K?

A Yes; I met Globocnik once at a Fuehrer meeting. I talked to him once

Q He was a Higher SS and Police Chief like yourself, was he not?

A No, I do not believe so. At that time he was Oberfuehrer and Brigadefuehrer. As such he could not be Higher SS and Police Chief. And it was not in Germany. I know that.

Q We may be at cross purposes. I am speaking of the year 1943. In that year Globocnik was Higher SS and Police Chief in the operational zone of the Adriatic coast, was he not?

A That may be; I do not know. It was possible, but not in the Reich.

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Q You have said as to your own position as Higher SS and Police Chief that you had no power of command over the SS and no authority over the police. That seems to have been a summary of your functions as Higher SS and Police Chief; is that right?

A Yes. I may remark that I expressly emphasized not only before this Tribunal but before the Commission as well that I cannot testify concerning the powers of the Higher SS and Police Chief outside of Germany.

Q That is enough.

A Because their tasks were different.

Q I can assist you in that case. I want you to look at a report of your colleague, Globocnik, on the Action Reinhardt against the Jewish people of Poland.

MR. ELWYN JONES: It is Document 4024 PS, which will be Exhibit GB 550. It is a lengthy report. My Lord, with respect, it does merit the attention of the Tribunal.

BY MR. ELWYN JONES:

Q Witness, you see that it is a report from Globocnik to Himmler dated 5 January 1943. The letter starts:

"Reichsfuehrer,

" I am taking the liberty of submitting to you in the enclosed a report on the economic development of the Action Reinhardt."

In the next paragraph:

"A proper winding up and my relief is necessary because I carried out this activity within the framework of the SS" -- I would like to underline those words, "within the framework of the SS" -- "and it must therefore be wound up in a proper manner with regard to the competent Reich authorities".

Then in a later paragraph it goes on:

"The total accounting is composed of two parts:

"1.) The economic part of the Action Reinhardt with the subdivisions,

"a) Accounting and delivery of the assets seized and

"b) Accounting of the assets attained by the work.

"2.) The Settlers' Economic Association, the conduct of those economy also rested on my work, and which is now being transferred to civilian hands."

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Witness, that so-called resettlement was one of the functions of the SS Organization?

A (No response.)

Q Then there follows in Page 2 of the German text of this report:

"There is one additional factor to be added to the total accounting of 'Reinhardt' which is that the vouchers dealing with it must be destroyed as soon as possible."

Now, the next document, Page 3 of the German text and Page 2 of the English --

THE PRESIDENT: Where is this part about the vouchers' being destroyed?

MR. ELWYN JONES: Paragraph 3, My Lord. Globocnik marked it "2", "The Settlers' Economic Association", in the next sentence to that.

BY MR. ELWYN JONES:

Q Page 2 of the English text is a report on the economic aspect of the Action Reinhardt. There are four copies only of that report. It was "gathered together in the SS Economic and Administrative Head Office." It says:

"The entire Action Reinhardt is divided into four spheres:

"A) The expulsion itself

"B) The employment of labor

"C) The exploitation of property

"D) Seizure of hidden goods and landed property.

"A. The Deportation

"This is settled and completed.

"In this case the prerequisite was to get hold of the people with the small forces available and to cause as little economic damage as possible to war production by methodically appropriate measures.

"On the whole this was achieved. Considerable damage occurred only in Warsaw, where, owing to ignorance of the position, the methods applied in the final action were entirely wrong."

Then I go to Paragraph B, "Employment of Manpower":

"The entire manpower was put into closed camps, to which essential war production was transferred.

"For this purpose the following conditions had to be created:

"1) Erection of all camps.

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"2) Erection of work shops with all the working equipment, such as the installation of machinery, power supply, etc.

"3) The organization of provi sions . . .

"4) Sanitation and Hygiene".

Then I want you particularly to notice 5, "Security measures":

"a) Achieved byadequate security precautions

"b) By organization within the camp

"c) Byadequate guarding.

"For this purpose, the SS guards were developed, the overwhelming majority of whom carried out their duties satisfactorily led by the Germans.

"Their reliability was to be increased by mixing these guards with Reich German guards from concentration camps.

"d) The preconditions for a satisfactory security system were created by these camps being taken over by the concentration camp department of the WVHA".

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"6) The proper administration and methodical treatment were made possible thanks to extensive training of the Geramn leading personnel. It became apparent that the working capacity of the Jews in the camps was constant increasing."

And then there is described the creation of a works management under the name of "Osti", and the German Equipment Works:

"A total of 18 works was established; it was intended to add more. About 52,000 workers were available. These conditions of work make it possible to accept urgent orders both from the Armament Inspectorate and from Speer, the Reich Ministry, and thus to replace bombed out works. The demand from these offices was considerable. 'Osti' and the German Equipment Works were firms under my own supervision, whereas other concerns, such as the Heinkel Aircraft Works, were only looked after by me."

And then Paragraph C is on Page 5 of your German text: Exploitation of Property. This had been completed, as shown in Enclosure 2 which I shall come to in a moment.

Paragraph D: Seizure of Hidden Goods. "The seizure of hidden goods and exploitation of landed property is divided into: 1) Property such as machinery, raw materials etc., handed over by the 'Osti' to Aryans. To date the result is 6.3 million Reichsmarks; a further 7-8 million Reichsmarks are yet to be brought in.

Paragraph 2: "Seizure of Jewish assets at home and abroad in that the camp inmates were ordered to cede these claims to the 'Osti', which then carried out the recovery. The first attempt resulted in a cession of an amount of 11,000,000 Zloty, at least half of which appeared obtainable. However, since it was also possible to discover money that had been smuggled abroad, this action could have brught valuable foreign currency to the Reich.

Paragraph 3: Real estate was transferred to the Real Estate Administrat of the Government General for exploitation."

Then the measures taken were as follows: "1) On the 13th of August, 1943, the SS Training Camp of Trawniki was handed over by SS Obergruppenfuehrer Pohl.

"2) On the 7th of September, 1943, in a conference with SS Obergruppen-fuehrer Pohl the taking over of ten SS Working Camps in the Lublin District as

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subsidiaries of Lublin Concentration Camp was decided on and in addition the further handing over of further working camps in the Government General. The head of the Lublin Concentration Camp was provided with suitable contracts. Th conference was brought about by SS Obergruppenfuehrer Krueger and SS Standartenfuehrer Schellin."

Then Paragraph 3: "In pursuance thereof, a letter of the Commandant of the Lublin Concentration Camp, dated 14 September 1943, to the SS Working Camps announced that they had become subsidiaries of the Lublin Concentration Camp."

And then there follows the sentence: "The mixing of guards of foreign race with the German Concentration Camp guards from the Reich has also been initiated."

And I needn't trouble you with the rest of that document.

If you will turn to Page 8 of the German text you will see the "Report on the administrative development of the Action Reinhardt, "just two pages, in the English text, from the one that I have just read. The first paragraph described the assets of this Action Reinhardt.

Paragraph three of the text says: "The assets I collected were regularly delivered to the SS Economic and Administrative Head office against receipts, and they in turn passed on the assets to the Reichsbank, the Reich Ministry of Finance, textile concerns, etc."

And then the next paragraph but one -- perhaps it is only fair that I should read the next paragraph: "On the orders of the Reichsfuhrer SS, necessary articles could be removed for the maintenance of persons of the German race. The Reichsfuehrer SS forbade any appropriation for the purpose of the SS."

But you will see later how this was qualified: "What is remarkable about the accounting is that no hard and fast basis for the amount collected existed, as the collection of the assets was carried out under orders and only the decency and honesty, as well as the surveillance of the SS men used for this purpose, could guarantee a complete delivery."

Page 9 of the German text -- I trust you are following this, witness, because it is not without interest, you know.

Page 9 of the German text sets out the assets, first sums of Reichsmarks

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and Zloty: "By far the greater portion was placed at the disposal of the SS Economist in the Government General and the amounts were credited to the Action Reinhardt in Reichsmarks by the W.V.H.A. Office by an accounting transaction and handed over to the Reichsbank."

Next page, Paragraph 2: "Foreign Currency in bank notes or coined gold was collected, sorted, and also handed over to the Reichsbank via the W.V.H.A.'

Then Page 10 of your German text: "Jewels, jewelry, watches and such like were sorted according to their value and delivered to the W.V.H.A. On orders from this office, watches of non-precious metals were handed over to the troops, spectacles were repaired and placed at the disposal of wounded persons, and utensils of no value were principally handed over to Wehrmacht authorities to cover urgent needs."

Paragraph 4: "Textiles, garments, underclothing, bed feathers and rags were collected and sorted according to their quality. The sorted articles had to be searched for hidden valuables and finally disinfected. More than 1,900 wagons were then placed at the disposal of the authorities named by the Reich Ministry of Economy by order of the W.V.H.A. Out of these stocks notonly foreign workers were clothed but a large portion was used for re-manufacture .. The best garments were separated and by order of the Reichsfuehrer SS were used for supplying persons of the German race. Shoes were also sorted according to how far they could be used and then either given to persons of German race or to concentration camps for supplying inmates, or else taken to pieces and used for wooden shoes for supplying inmates."

Paragraph 5: "Individual valuables of a special kind,such as stamps, coins and such like, were sorted and delivered to the W.V.H.A."

Paragraph 8 on page 11 of your German text: "Valuable furniture and household utensils were reconditioned and mainly put at the disposal of settlers of German race. But furniture was also loaned to German and Wehrmacht authorities against an accommodation bill. Inferior goods were either destroy or given to the population as a reward for good work at the harvest, etc."

The last paragraph: "The total value of the articles received is, according to the attached list, approximately 18,000,000 Reichsmarks. However, minimum values have been assured, so that the total value is most likely twice as much, quite apart from the value of the articles obtained which are in short supply, such as textiles, of which alone more than 1,900 wagons have

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been made available to German industry."

And then there follows a detail of these assets, on Page 12 of the report: "Assets delivered from Action Reinhardt. The following assets from the Action 'Reinhardt' were delivered to the W.V.H.A., Berlin, for further transmission to the Reichsbank or to the Reich Ministry of Economics:

a) Reichsmark sums totalling 53,000,000 plus marks; b) currency in bank notes from all the principal countries in the world (half a million dollars being particularly to be noted) to a total value of 1,450,000 Reichsmarks; c) foreign currency in gold coins to a total value of 843,000 Reichsmarks; d) precious metals . . . to a total value of 5,353,000 Reichsmarks; e) other valuables such as jewelry, watches, spectacles etc. (the number of watches being particularly worthy of note -- about 16,000 in working order and about 51,000 requiring repair; they have been placed at the disposal of the troops) value 26,000,000 odd Reichsmarks; f) about 1,000 wagons of textiles to a total value of 13,000,000 odd Reichsmarks. Grand total, 100,047,000 Reichsmarks

1,000 wagins of textiles and about another 50% of the above mentioned assets -- which still have to be counted and valued -- are warehoused here. It should be noted here that the estimated values were based on the officially established rates of exchange or prices, which, however, would be much higher on the open market, for instance in the sale of precious stones or precious metals abroad, as the flight to investments in articles whose value is not subject to much fluctuation is much greater there than with us. Besides these sales abroad bring us foreign currency. If these prices were taken as a basis of evaluation here, this was done in order to be able to give a picture of the assets delivered; in general this evaluation is not authoritative. The value of the acquisition lies principally in the fact that such large quantities of urgently needed raw materials can thereby be gained and that, on the basis of the assets obtained, foreign currency can be brought in with which new materials can in turn be bought by Reich authorities."

Then there follows a list of Jewish property received for delivery up to the 3rd of February, 1943. This is a sort of interim report: Cash in hand: 53,000,000; foreign currency in notes, 14,000,000 odd.

Then on Page 15 of the report: Currency in gold coins of all the

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different countries of the world, 843,000 odd Reichsmarks; 5,000,000 odd in precious metals.

Then I want you to look at Page 16 of this report, Witness: Other valuables: gold revolving pencils, 578 gentlemen's wrist watches, 13,445 gentlemen's pocket watches, and various ladies' jewelry; then the item 22,324 spectacles, and then next but one to that, 11,675 rings; then all the precious little possessions of these people, necklaces, a mother of pearl opera glass, each one itemized down to the very last sordid Reichsmark.

Then on the next page, Page 17, there are other little items of private possessions, making a total of 26,000,000 Reichsmarks.

DR. PELCKMANN: Mr. President, I ask for permission to interrupt the reading of this document for a moment. I object to the use of these documents in the examination of this witness. The witness is to be examined as to his credibility by the prosecution. The submission of these documents does not serve this purpose. In his testimony the witness has said that he had no authority over concentration camp administration. Nevertheless, a document is shown to him concerning penal regulations in a concentration camp. He said he did not know it. Continuing with the same system, the prosecution attempts to submit a document --

THE PRESIDENT: The Tribunal is perfectly well aware that --

DR. PELCKMANN: I did not understand, Mr. President. I beg your pardon.

THE PRESIDENT: I say the Tribunal is perfectly wellaware that this is a new document and they will take into account everything that this witness says.

DR. PELCKMANN: I beg your pardon, Mr. President.

THE PRESIDENT. I say, the Tribunal is perfectly well aware that this is a new document and that the Tribunal will take into consideration everything that the witness says and how far it appears that he has had anything to do with the the document in considering the question of his credibility. Your objection is therefore rejected.

We had better adjourn now.

(A recess was taken.)

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MR. ELWYN JONES: Reading a number of extracts, the total possessions of Jewish Poles was 26 million. For textiles, there were 462 wagons of rags, 251 wagons of bed feathers, 371 wagons of clothing and underclothing, and then follows a total of over one hundred million Reichsmarks. Pages 18 and 19, you needn't trouble with that. Then, you turn to page 20 of the German text, and, My Lord, page 16a of the English text. You see a report on the exports of the slave labor from one of these camps which was set up for the benefit of the German Armament Industry. There is listed the various details of the work on various manufactured articles. "41 Aryan leading personnel ran, 5,445 Jewish workers who worked 1,115,000 working days in the first 10 months of the year 1943, with 31,000,000 Zlety in the bank and till."

Then on the next page, page 21 of the German text, dealing with the orders given to the slave camps. "The orders were covered by 83% work for the Wehrmacht and 17% for the civil field."

Next, turn to page 23 of the German text, page 19 of the English text. It is the Provisional Balance sheet of the Action 'Reinhardt' till, Lublin, for 15 December 1943. The following money and stocks were brought to the German Reich during the course of the Action 'Reinhardt', Lublin, during the period 1 April 1942 to 15 December 1943 inclusive." The Tribunal will see, from these figures, that in the meantime, additional loot had been obtained. "Cash in hand, 17,000,000 Reichmark notes and coins, 3,900,000; to the Reichsbank Berlin, Zlety notes and coins, 5,000,000; to the SS economist, Cracew, 50,000,000; loans for SS industrial concerns, 8,218,000."

Then on the next page there's a table of the foreign currency that was looted-currency and then notes, and then there comes, once more, a list of the private possesions of the Poles and Jews that were taken away. Rings, ladies' gold wristwatches, Gentlemens's gold pocket watches, ladies' fob watches with brilliants, ladies' watches of platinum and brill, ladies gold fob watches, 29, 391 spectacles, shaving equipment, pocket knives, alarm clocks, sunglasses, silver cigarette cases, clinical thermometers, all detailed to the last mark with a total of 43,662,000 reichsmarks. Then the industry increased by 9,000,000 more workers. There were 1,901 wagons of clothing, underclothing, bed feathers and rags to an average value of 26,000,000 reichsmarks. Total compilation of the total loot up to the end of December, 1943, 178,745,000 Reichsmarks.

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Then there follows, on page 38 of the German text, page 23 of the English text, an account from the personal Staff of the Reichsfuehrer SS, and which is an account of the national resettlement carried out by uprooting of farms to make room for German citizens, and the clearing of some villages. Paragraph 3, "All Poles, including those who are being brought into the labor cycle in the Reich are to be given certificates confirming what property they have left behind. They will be informed that they will receive a suitable compensation some time in the form of goods or cash."

Page 29 of the German text, 24 of the English text, paragraph 6. "The communications from persons previously sent to the Reich reporting that they are getting on well there, and the people's realization of the fact that up to now nobody has been treated like the Jews, have already taken away the frightening atmosphere surrounding this system of grouping."

Then I want you to turn to page 31 of the German text, and 26 . . the Tribunal will find it on page 26 of the English text.

"Measures for the further Transfer of Populations" That carries the heading of the Personal Staff, Reichsfuehrer SS. As many quarters express themselves against the transfer of populations on the grounds that it causes too much unrest among the foreigners, thus disturbing production, The following measures have been decided upon;

"1) Verbal propaganda will spread news about the discontinuation of these transfers.

"2) No authority will announce anything before the actual moment when the transfer of population is to be carried out. Planning will be done secretly.

" The time for immigration will be fixed for after the spring tilling of the fields, so that the foreigners will carry out the cultivation of the land, and the new settlers will already be able to make use of the harvest. This has the advantage that, under the above mentioned presuppositions, the foreigners will till their fields in all districts, while the German settlers will not run the danger, in view of the shortness of the time of possibly being hindered in their spring work.

"The transfer of Poles should be carried out in such a manner that the goods element are put, as much as possible voluntarily, in districts cleared by the Security Police, and the transfer is entitled 'The Establishment of security in

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the Partisan districts'. The bad elements will be taken away gradually where they are not employed as auxiliary workers.

"The announcement of the time of immigration will be made only on the day of the transfer of population.

"All villages will be occupied in advance by the 'Landwacht' Country Guard) in all parts of the organization formed by settlers, who, having received previous training, are to save the use of our own SS forces."

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Thenson the next page there follows a memorandum by Blobochnik, setting out the details of the technique of resettlement and I turn to the next document, page 34 of the German text, 29 of th English text. That is Globochnik's final letter forwarding this report and in dealing with the Reinhardt action. It is dated the 4th of November 1943, when, as the Tribunal sees, Globochnik was the Higher SS and Police Chief in the Operational Zone of the Adriatic Coastal Area. It is addressed to Himmler: "Reichsfuehrer: I concluded Operation Reinhardt, which I have been directing on the government-general, on the 19th of October 1943 and have dissolved all camps."

The last paragraph but three: "During a visit, you, Reichsfuehrer, held out to me the prospect that a few Iron Crosses might be awarded for the special performances of this hard task after the work had been concluded. Please advise me, Reichsfuehrer, whether I may submit suggestions on this connection.

"I beg to point out that such an award to the forces of the local SS and Police Chief was authorized for the work in Warsaw, which formed only a comparatively small part of the total work."

In the final document, Himmler sends a letter to Globochnik, saying: "I express to you my thanks and my acknowledgment for the great and unique services which you have performed to the entire German people by carrying out the action Reinhardt."

BY MR. ELWYN JONES:

Q. Witness, do you still say that you had no knowledge of the use of the SS for the collection of loot, for the use of resettlement, for the driving of people from their homes and for the enslavement of Poles and Jews?

A. No, I had no knowledge of these things.

Q. When did you first discover that Jewish and otherpeople were being exterminated in concentration camps?

A. I have already testified to that a little while ago, that these destructive actions were known to me after I was arrested.

Q. Your connection with the Rascher case in the Spring of 1944 must have

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given you a very clear idea that extermination was going on. I repeat my question: Did not your contact with the Rascher case in the Spring of 1944 warn you clearly that extermination and killings were going on in concentration camps?

A. I can refer only to my personal experience and observation and that for the first time the case of Rascher, this case proved to me for the first time that something like that had occurred and I should like to repeat again that in the areas of the Reich, in the internal area of Germany, it was quite impossible to learn of things as they may be seen from the documents before me.

Q. You arrested Rascher on the charge of fraud, didn't you?

A. Rascher, as I have already testified on Saturday, was being suspected first of all ----

Q. Just a moment. Are you going to answer my question directly? Did you arrest Rascher on a charge of fraud?

A. I can concede only that he had already been interned and after, we learned the scope of his crime we kept him in custody until the end. I was a coincidence that the other crimes, the two other crimes of which he had been suspected -- he had been arrested on other charges already and then when these matters came up, of course, he was naturally kept in arrest.

Q. You knew that Rascher had been acrrying out experiments on humans and in the course of those experiments, that he had been killing them, didn't you?

A. That, I learned from my conversation with the camp commandant, a physician.

Q. Was Rascher ever charged with murder?

A. I have already testified to that on Saturday already -- unfortunately he was not accused by Himmler. Himmler was the only one who could accuse him for Himmler was the competent judge in that connection -- that is, the accused before a court.

Q. Although you knew in the Spring of 1944 that Himmler's organization was not only criminal but murderers, you continued to serve it for another year?

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A. First, despite these reasons, as has been stated by me, there was no possibility of my leaving office and going against the wishes of my superiors.

Q. When you gave the evidence before the Commission on this Rascher matter, do you remember saying --- It is recorded on page 2216 of the transcript for the 6th of July 1946 -- that when you discovered that Rascher was the responsible person for the experiments on living human beings, you saw to it that this crime was not carried out any more? Did you say that?

A. Yes, indeed -- through the fact that this man was not dismissed from arrest which otherwise probably would have taken place, -- the other cases had been cleared. There was no more suspicion resting on him and otherwise he would have been dismissed but we did retain him in arrest, for the knowledge of this new crime was added on to the other suspicions.

Q. Did you take any steps to see to it that Rascher was not succeeded by another SS murderer?

A. I do not quite follow you. I do not know the meaning of the sense of the question.

Q. I will explain myself. The Rascher experiments on human beings were contained in Dachau after Rascher was put into disgrace for fraud, was he not?

A. No; the physician who was the deputy and with whom I talked, as was brought to me by the camp commandant, did not carry out any experiments like that. He was the man who had made the report, who reported on those things that Rascher had done and he had told me that he refused to work further.

Q. Are you telling the Tribunal that the experiments and biological research on human beings in Dachau stopped after the dismissal of Rascher?

A. Yes, indeed. I am firmly convinced of that fact.

Q. I want you to look at the Journal of the Ahnenerbe, the Ancestral Research Organization for 1944, which was kept by Sievers, the Reich Manager of that organization. It is Exhibit 3546-PS, which will be GB-51. I have made certain extracts from the relevant passages for the convenience of the Tribunal. Now, if you confine your attention to the extracts, you can check them against the original if you wish to do so. You will see that Rascher's name appears in January, the conferences with him on the 28th of January, on

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the 29 of January, and then over in the next page in March and then in April there is a conference at Station Rascher.

Now, when exactly was it that you had Rascher arrested; what month was it? What month was it that you had Rascher arrested?

A. In which month I cannot tell you. Saturday I testified that it was in the spring of 1944 but I can't give you the exact date; however, I do know from reliable sources that in the beginning of May, after this case was concluded, I looked up Himmler and that case was to have been concluded; thereafter he was under arrest.

Q. In looking at the extract for May, you will see the conferences of the Reichsarzt SS, in which Hauptsturmfuehrer Dr. Plotner took part. Did you now know that Dr. Plotner took over ffom Rascher in Dachau?

A. I don't know the name; I don't know the names of the various physicians.

Q. In the entry for the 27th of June, the extract of 31st of May -- first, you see that Sievers had a conference with SS Hauptsturmfuehrer Dr. Plotner-- first of all, with regard to Professor Schilling, I take it that you know who Professor Schilling is, don't you. Do you know Professor Schilling?

A. Yes, indeed.

Q. He has recently been condemned to death for his experiments in Dachau, hasn't he?

A. I read that in the papers.

Q. In May, you see, he was having a conference with Dr. Plotner; the 27th of June, there is a conference with regard to the creation of the scientific research station in the concentration camp. The 25th of July, conference with SS Staf. Mauer, in Oranienburg about the use of inmates for scientific purposes; and then on the same page, the 26th of July, Jauptsturmfuehrer Dr. Fischer goes on a journey fastest through all concentration camps in order to fix finally the persons; and then the 21st of October, the proceeding of research of SS Stubaf. Pros. Dr. Hirt, and then the final entry for the 23rd of October 1944, SS Strumbannfuehrer Dr. Poppendieck; taking over of biological research by SS Staf. Dr. Plotner in Dachau. Are you still saying to the Tribunal that all experiments on human beings in Dachau stopped after Rascher went from there?

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I can only state that the name Rascher does not appear here. I say under oath that I did no know what other things occured.

Q Witness, you told the Tribunal that these experiments did not go on any more after the dismissal of Rascher. You told that to the Commission, didn't you, and is it not true?

A I can only repeat that Rascher was under arrest and I had presumed that all these experiments had ceased.

MR. JONES : If your Lordship please, I am not attempting to cross-examine this witness with the matters discussed before the Commission. The Tribunal is in possession of all the documents with the general matters I dealt with in the cross-examination.

THE PRESIDENT : Doctor Folckmann, do you want to re-examine?

BY DR. FOLCKMANN :

Q Witness, the Prosecution has submitted to you the Penal Codes that applied to the Camp Dachau. I should like to ask you once more as a matter of principle, did you have anything to do with the administration of the Camp Dachau or with the brin ing in and the dismissing of inmates at this camp?

A I can only repeat that neither I nor other higher SS and Police leaders had any connection with the sending of people or the dismissal of inmates from concentration camps. At all times, up to the very end, that was a matter of competence of Amt IV of the RSHA, of the security Police Force.

Q Did it come to your attention, witness that on the copy of this document, D-922, there is neither a heading nor a date connected with this document?

A The photostatic copy?

Q Yes, the first one you received.

A Yes, I should like to remark that it had no signature nor date.

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Q On my copy I can see that a letter was written by a Mr. Winterberger, dated 29 May 1933, and that it was added to the document. On that date, the 29th of May 1933, where were you?

A I was in Weimar in Thuringia.

Q The Prosecution calbd you a confidential agent of the SS, and a personal deputy of Himmler. Were you the personal representative of Himmbr?

A I say that my statement of Saturday applies to this case. I should like to repeat once more. The Higher SS and Police leaders were the representatives of the Reichsfuehrers. Regarding the authority of them and the issuance of orders, the head of the Police and the Chief of Order Police and Security Police, were the representatives of the Reichsfuehrer SS. The Higher SS and Police Leader according to the wording of the decree, had neither the right, not the duty, to carry out these instructions, and they were merely permitted to make suggestions.

Q Did the instructions apply to concentration camps as well?

A No. The concentration camps were of Amtsgru ppe D. The administration belonged to that group alone. They had their own official channel. It was only possible to enter the camp with the permission of these agencies.

Q Regarding the document 4045 PS, affidavit of POHL, correction 4024, did you ever discuss with Pohl, the problem of the of the concentration camps?

A Not a single time, not once. When I called on Pohl at this office once, my conversation dealt purely with the acquisition of some property in Munich for the General SS, (Allgemeine SS) which was subordinate to me. We discussed the buying of this property. I believe this conversation took place in the yeat 1940. I never spoke with him about concentration camps.

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Q You saw the reports of Dr. Globocnik, document 4024 PS, and you said that the reports were completely unknown to you. But did you give out similar decrees which were in any way similar? Did you give directions like that to officers subordinate to you or did you receive such directions from agencies superior to you?

A I never received orders from my superior officers applying to actions like it. At no time in my official capacity was I given an order like that. These peculiar business deals are new to me, and I should like to report that my fellow workers, my comrades, and I, with horror, heard about the things we have been informed of now.

Q You just mentioned your officers. Did you speak in your capacity as a leader of the General SS Allgemeine SS, and Police President and Higher SS Police, leader, as well?

A Yes. I am including all of my offices which I have never had in my entire life.

Q When you looked at the document of Mr. Globocnik, from you general knowledge, can you tell us whether Globocnik was a leader of the General SS and whether in that capacity he might have done these things?

A Globocnik was an SS leader from Austria. As I have already said I only saw him once in my life and talked with him once. I can see from this document that he is the head of the Higher SS and Police Leader in Kuestenland. That seems to be near the Adriatic Coast Region. He was Higher SS and Police Leader in the occupied country, I have already stated that the activity of the Higher SS and Police Leader in the occupied countries differed completely from the activity of the higher SS and Police Leader in the Reich. As far as I am informed the Higher SS and Police Leader in the occupied territory acted according to the situation at hand and received the orders from Himmler.

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These orders that pertained to the carrying through of the order, that may be something that is contained in the Document. With these economic measures, we in Germany were not charged.

Q Did you in Germany as the Higher SS and Police Leader have anything to do with economic measures?

A No, nothing at all.

Q The prosecution asked you if the experiments were continued at Dachau and here before the High Tribunal and before the Commission, you stated according to your best convictions in answering "no." You gave the following reason by saying that Rascher was under arrest. Look at the Document submitted-3536 PS once more. The name Rascher does not appear in conversation with Sievers any longer.

THE PRESIDENT: Can't we see that Document for ourselves? You are referring to a Document and we can read the Document as well as he can.

DR. PELCKMANN: Yes. I am just calling the witness' attention to the decisive point in the Document, but I will turn to the next question, your Honor.

BY DR. PELCKMANN:

Q For what reason do you assume that the experiments were not being contintued at Dachau, as you said, after Rascher was under arrest?

A At this moment I see the copy for the first time. I did not know at the time that beside Rascher, this Professor Schilling was active as well. I learned about these proceedings in Dachau following my arrest. This is the point I know about, namely the research station of Rascher and the second man after Rascher, but I don't know his name. It is possible that it is the man mentioned in the Document, Dr. Ploetner. That is quite possible. I don't know the name of this man. We were quite horrified when we learned of the reports on the activities.

THE PRESIDENT: This is a waste of our time, an absolute

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waste of time.

The witness said there were no further experiments and the way the Document is put to him, he says he assumes. What is the use of examining him about this?

DR. PELCKMANN: Witness, was there further reason for your assumption that the experiments were not being continued? Was it a fact that as a result of your first protest to Himmler, he was informed of your attitude? Tell the Tribunal further if on the basis of your conversation with Himmler he had to be careful in the continuing of these experiments?

THE WITNESS: When I reported to Himmler, he was quite upset and he told me that these matters did not concern me and that Rascher had merit and that I did not know anything about those things. I said it was quite impossible and Himmler said he would turn the case over to the Higher SS Court. Of course, I could not understand that Himmler know about the details.

BY DR. PELCKMANN:

Q Witness, to summarize your statements and the statement you just now made, in conclusion, I should like to ask you, are you of the conviction today that the membership of the General SS, the mass membership of the SS, was deceived by the higher leadership?

A Yes. I found out after I talked with my comrades and I talked with many comrades during the period of my arrest, I can state that the mass of those men are bitterly disappointed with these things that they experienced, things which they just now learned. They cannot quite comprehend how Himmler could have brought them together with things of such a nature. I am not only speaking for myself, but all the other men of the SS and those men of the SS kept their loyalty to the last hour for the honor of the Fatherland. The loyalty which was not given to us. We followed the leadership and followed it in good faith and we were fired with pure idealism.

BY THE PRESIDENT:

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Q What did you mean by the statement that the Allgemeine SS had ceased to exist in the last part of the war?

A I wanted to state only that for practical purposes, there was no General SS left in the country. There were 10,000 men in the SS in round figures at the end of the year 1944 and when the Volkssturm was called up, that was the first time we knew how many men were still at our disposal. There were only 1200 men left, but they were not able to do service any longer in our department. For practical purposes this unit was dissolved the Standarte had also been dissolved. All of that had been dissolved and there was nothing left. When an honor guard was required for the SS Memorial service, it was not even possible to furnish an honor guard as the men were all in service. For all practical purposes, it was dissolved. We had to call in women, old people and others who were not members of the SS at all.

Q Are you saying there were no SS men employed in any of the concentration camps in Germany?

A No, I did not wish to state that. There were members of the SS who received orders from the General SS, they were called up orderly and they were not kept in the SS any longer. I should say since 1934, they were active and had their own lives. How many people like that there were all together, that is in proportion to the entire membership of the SS, I do not have the exact picture as to how many. I don't think I am going too far to say that at Dachau perhaps there were fifty or sixty men on the staff of the Kommandantur.

Q Are you saying there were 50 or 60 men at Dachau who ceased to be members of the SS?

A No, I don't really state that. They were our uniform and they belonged to the Kommandantur corps of the concentration camp, but in practice they had nothing in common with us any longer for we hardly had any more contacts with them.

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Q Had you no responsibility for them?

A No, I did not any longer.

Q Well, another question. Had the Waffen SS any contact with or any relati to the Allgemeine SS except through the Reichsfuehrer SS Himmler?

A Only at the very first, at its origin. The Verfuegungstruppe was the organization from which the Waffen SS originated. zMen of the General SS who wanted to become soldiers volunteered. This is a topic on which a general of the Waffen SS will testify as he is more informed on this point than I am.

Contacts were only a friendship level. We called on each other.

Q After that first statge you agree that the Waffen SS, exceptt through Himmler, had no connection with the General SS?

A No, your Lordship, it did not have that. They were the same uniform and when it came to opinions they had the same political principles which applied to both and they were held by both but, as I have already said, I am not in a position to testify as I never served in the Waffen SS myself but only received the rank of a Waffen SS general at the time the prisoner of war system was turned over to us.

Q Do you know whether any of the Waffen SS were used in concentration camps?

A There were special guard troops. During peacetime it was the Death Head Unit and they were characterized by external insignia as well. They had insignia and instead of the two bolts of lighting carried by the Waffen SS they in turn carried a death head and they were another kind of troops, if I may characterize them as such, and during the war they were replaced for they were younger people. They were replaced by men -

Q Are you answering my question which was, were any members of the Waffen SS used in concentration camps? You are telling me about the Totenkopf.

A During the period of war those who were wounded, perhaps, those who were not fit for service at the front were probably transferred to the guard units and I assume those who came from hospitals. If you wish to call that a unit or organization then I believe you might say that, yes.

Q Turning to another matter, this Gauleiter and Reich Commissar for the Munich and South Bavarian district, how long had he been in office?

A The Reich Defense Commissar Giesler, I assume that is the one you mean, Your Honor, assumed office in the summer of 1942 and he remained until the end.

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Q And you were in close contact with him, I suppose?

A Yes, I had to take orders from him regarding matters of home defense. My official relationship, if I may put it that way, as I have already testified, and as Geisler was the Reich Commissioner of Defense and also Bavarian Minister of the Interior, as such he was my superior.

Q Was there any other superior police officer over you?

A I did not understand the last part of the question. There seems to have been a technical disturbance.

Q Was there any police officer in Munich over you?

A No.

Q What police had you under you?

A As police president up until 1942 -- I was no longer police president after 1942 and I was replaced by another General at that time. Up until 1942 I had command of the Security Police under me. There was a commander of the Schutzpolizei in every large city and this was given to the police president for the regulation of police traffic and other matters applying to the streets and in addition to that, there was a criminal police office, dealing with the political police, that is the secret state police and the security police. But that was something with which the police president had nothing to do with. Those

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were offices which worked independ tly.

Q. Was the Gestapo under you ?

A. No.

Q. The SD ?

A. No.

Q. Well, then what police were under you ?

A. As police president --

Q. There is no answer coming through.

A. As police president I had ch rge of the city of Munich.

Q. Will you tell me what police there were under you ?

A. Which police were subordinate to me ? I have already stated as police president and only as police president I had command of the Schutzpolizei with about fourteen hundred officials and I could use them just as they were needed in the city. In addition, I had the supervision of the criminal police, I could give directions to them in my capacity as police president but not in my capacity as higher police leader. My other colleagues who were not police presidents, who were not higher officials, they could only carry on in their own sections and make suggestions.

It is very hard to explain these matters but those are the facts.

THE PRESIDENT: That is all. The witness can retire.

DR. ~~GAWLIK~~ PELCKMANN: Is it agreeable now, Mr. President, for me not to call the witness until two o'clock.

THE PRESIDENT: No, call the witness.

DR. ~~GAWLIK~~ PELCKMANN: I should like to call the witness Brill.

ROBERT BRILL, called as a witness, testified as follows :

BY THE PRESIDENT:

Q. Will you state your full name, please ?

A. Robert Brill.

Q. Will you repeat this oath after me: I swear by God, the Almighty and Omniscient that I will speak the pure turth and will withhold and add nothing ?

(The witness repeated the oath).

THE PRESIDENT: You may sit down.

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DIRECT EXAMINATION

BY DR. ~~SEIBERT~~: PELCKMANN

Q. Witness, what activity did you carry through which put you in a position to testify here about the affairs of the SS ?

A. For twelve years I was with the Waffen SS. In 1933 I started my service as a private in the Leibstandarte. I was promoted to an officer and then for four years with interruptions, due to my service at the front, I was in the Ergaenzungs Amt of the Waffen SS. At the end of the war I was ordinance officer in a SS Panzer Division.

Q. What does that mean, "Ergaenzungs Amt" of the Waffen SS ?

A. The Ergaenzungs Amt of the Waffen SS concerned itself with the investigation and recruiting of recruits to the Waffen SS as well as with the supervision of the members who were serving in the Waffen SS. I was in the Ergaenzungs Amt and head of a main department and as such, I dealt with the recruitment and its supervision. However, I had sufficient insight into other departments of the Waffen SS so that I can testify here before this Court.

Q. Is it correct to say that you could watch the development as far as figures are concerned in the Waffen SS ?

A. Yes.

Q. And now tell the Tribunal as exactly as possible, and pay special attention to the question, were they volunteers or called into the Waffen SS ?

A. The Waffen SS originated from the SS Verfuegungstruppe. Several hundr men made up the Leibstandarte. In 1933 it had been set up as a guard and representative troop for the Reichschancellory. Through the expansion ofthi representative and supervisory task, the Verfuegungstruppe in the years 1934 until 1939 was made up of volunteers from allthe levels of the German population. At the beginning of the war the Verfuegungstruppe had about 18,000 members.

Service in the Verfuegungstruppe was regular military service and, in additi to thatm on the first of September, 1939 -- the Death Head Unit was also in existence and had about eight thousand men -- these two units from the fall

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of 1939 until the spring of 1940 had added about another 36,000 men. These men, on the basis of emergency measures were called to service as an additional force for the police. These 36,000 men, together with the Verfuegungstruppe and the Death Head Unit, made up the Waffen SS.

A directive of the High Command of the Whermacht dealing with the spring of 1940 which appeared in a regular service circular in the fall of 1940 dealt with the recruiting and the disposition for regular army service of the Waffen SS. Beginning in 1940 we had 100,000 men in the Waffen SS. There were 36,000 who had been drafted and 64,000 volunteers.

THE PRESIDENT: We will recess now.

(A recess was taken until 1400 hours.)

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ERRATA SHEET

Transcript for 5 August-Morning should have the following correction made on pages 15094 and 15095:- The name "Dr. Gawlik" appearing in the English record in all instances is incorrectly stated and should appear as Dr. Pelckmann.

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ERRATA SHEET

The following corrections should be made to the page numbers of the Transcript of 5 August-Afternoon, from page 15103 as follows:-

Page	15103	should appear as page	15103
"	15106	.....	15104
"	15105	.....	15105
"	15104	.....	15106
"	15106	.....	15107

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 5 August, 1946.)

ROBERT BRILL -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. PELCKMANN:

Q Witness, you had just said that at the beginning of 1940 the Waffen-SS had 100,000 men, 64,000 volunteers and 36,000 draftees. Will you continue about the development?

A In the same year, 1940, we had 50,000 more recruits for the Waffen-SS; 2,000 to 3,000 were drafted and the others were volunteers. In 1941 we received 70,000 men, 3,000 drafted, the rest volunteers. In 1942 ...

THE PRESIDENT: Wouldn't it be quicker and just as accurate to take all those figures as they have been given before the Commission? Presumably they are all in writing in the evidence given before the Commission. It is not necessary to repeat a series of figures of this sort for us. You could pass on to something which would be less statistical.

DR. PELCKMANN: Very well.

Q From the comparative figures of the draftees and the volunteers, on the basis of your testimony one could say that 40 to 50 percent of those called to the Waffen-SS were drafted forcibly. In your opinion was this relationship true at the end of the war?

A No, by no means. At the end of the war we had about 550,000 men in the Waffen-SS. Up to October 1944, 320,000 men, including dead, missing, and seriously wounded, were known to be casualties. It was considered that the majority of the dead [illegible] volunteers. I know this from reports on casualties. This indicates the fact that at the end of the war there were more draftees in the Waffen-SS than volunteers.

Q The Court will be interested in knowing why you have such accurate knowledge.

A For four years I worked on this material. I prepared statistics and made reports so that I have retained these figures in mind very accurately. In my office in Berlin I handled card indexes, etc. They were there when I left in January 1945.

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left in January 1945..

Q You have made clear for the years 1943 and 1944 particularly how many men were drafted into the Waffen-SS. For the earlier years, 1940, 1941 and 1942, that has not been brought out before the Commission. Perhaps you would give examples for your statement that as early as that non-volunteers were taken into the Waffen-SS?

A Yes. The 36,000 men who were drafted I have already mentioned. In addition, in 1940 we took men from the police to set up our Field Gendarmerie. We took men fron the Reichpost to secure our Fieldpost. We took civilian employees of the SS-Verfuegungs Truppe in 1941 particularly. We frequently took personnel for our cavalry unit from the army. I recall further that about 800 army men were taken into the Waffen-SS in the summer of 1941. Doctors and technicians also were drafted in 1940 and 1941. In addition, resettled persons had become subject to military duty. With the resettlement details we drafted men who did not report voluntarily. In 1942 we deviated considerably from the principle of volunteers. About 15,000 racial Germans were taken into our division Prinz Eugen, about 10,000 men were taken from the police and the army for the police division, and 2,000 men of the Reichpost who were withthe army so-called front auxiliaries were taken into the Waffen-SS. They were civilian post-office employees with the army.

Q Can you recall the transfer, on Hitler's orders, of formations of the Luftwaffe?

A Yes, that was particularly in 1944. Also in 1943 units of the Luftwaffe were taken over. I recall, for example, on agreement of Reichs Marshal Goering with our commander, Sepp Dietrich, of 1943, 3,000 men of the Luftwaffe were transferred. In 1944 many men were transferred from the army as well.

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Q And now, to go back to the volunteers, can you tell us anything about the motives for volunteering?

A Yes. In my position I saw thousands of requests for admission. I can say that up to 1939 the enthusiasm of the SS for decent conduct was the main reason for volunteering, but in addition there were many volunteers for professional reasons.

Q And how was it after the beginning of the war?

A After the beginning of the war, the main reason for volunteering was that the men wanted to do their military service in a clean, modern, elite formation. Professional reasons also played a part in volunteering. Very few came to the Waffen SS for political reasons after the beginning of the war. I know that part of the volunteers were recruited by over-enthusiastic recruiters from the Hitler Youth or the Reich Labor Service. Formally they were volunteers but actually they were under a certain moral pressure. I know this from the letters of complaints which reached the Ergaenzungsamt.

Q Letters from whom?

A Letters from the parents of these men.

Q How old were these boys?

A They were mostly seventeen. They had volunteered, but their parents did not want them to, or, on the basis of the speech by a recruiter, they had reporter and their parents did not agree.

Q Could a volunteer have recalled his application? Could he have left the Waffen SS? Could he have left, say, because he learned of some crimes, such as are alleged by the Prosecution?

A No, that would not have been possible. If the man once volunteered, there was no way out. Since he was drafted with an order from the Wehrmacht and to avoid punishment he had to report, once he had reported to the troops he was under military law and could not leave the Waffen SS.

Q Did you receive complaints in this connection? Were there complaints that these volunteers were used for any sorts of crimes?

A Yes, we did receive complaints, but they were primarily complaints from draftees who thought that the Waffen SS would be given especially arduous duties and would have especially heavy casualties. For this reason, they

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wanted to go back again. It alsohappened that the parents were afraid for their boys and also sent letters to us, that the boys who, on the basis of the Fuehrer order could have been drafted at seventeen, without the approval of their parents, should come back, but we paid no attantion to these complaint

Q As a member of the Ergaenzungsamt, you no doubt know something about the process of selection for the Waffen SS; for example, whether purely political reasons existed for the acceptance of a volunteer or a draftee.

A I took part in inspections in the Leibstandarte and later directed them myself. I can say that we were interested only in healthy young men. We did not ask whether a man had a communistic attitude or whether his parents were deeply religious. We were interested only in young men of firm character A young man who was a leader in the SA or the General SS we accepted much more readily into the Waffen SS than an older Party member who had a physical disability. We wanted young, clean soldiers. Of course later, in the case of those who were drafted and transferred, the selection was no longer so strict.

Q From these inspections, did you have any secret inductions?

A No. Our inductions were always in public places. I remember that before the war, in Danzig, which was still under Polish authority, we held inductions for the Waffen SS. The manner of our selections was not kept secret either. Anyone could see it in the recruiting writings, which were published by the millions.

Q Did members of foreign countries serve in the Waffen SS?

A Yes. Our racial Germans should be especially mentioned. They formed the majority of these soldiers. The Reich had reached agreements and state treaties with the countries that these people were to do their military service in the Waffen SS. From the Germanic countries we took almost exclusively volunteers for our divisions, the Viking and other Germanic units.

In 1943 -- and more in 1944 -- we also set up foreign units. Most of these people were volunteers, but many of them were drafted on the basis of the laws of their own countries. When these people, people of completely different racial, religious, and psychological backgrounds, came into the

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ranks of the Waffen SS, they were allowed to retain their own characteristics.

Q Please give a brief survey of how great the number of such foreigners was, since it is important for the charge that it was a unified ideological unit.

A I can give this from the end of 1933 to the end of 1944.

To the end of 1944 we had 410,000 Reich Germans, 300,000 racial Germans, 150,000 foreigners, and about 50,000 Germanic soldiers in the Waffen SS.

Q I add a question of the President to the previous witness, von Eberstein. You surely know the relationship of the General SS to the inductions into the Waffen SS. For example, was a fuehrer of the General SS taken into the Waffen SS with the same rank?

A One cannot speak of a transfer in a military sense. The General SS was a voluntary organization. The Waffen SS was considered a component part of the Wehrmacht. A number of the General SS, up to 1942, felt drawn to the Waffen SS. First they had to volunteer. Only after 1942 could we take the men without their volunteering. I would emphasize that it was quite impossible for a man of the General SS to have volunteered prior to 1942 and to have been rejected because of physical disability. After 1942, of course, we no longer rejected members of the GeneralSS, but it was also quite possible that the member of the General SS could do his military service in other parts of the Wehrmacht, and I estimate that the majority of the General SS at the beginning of the war was taken into the Wehrmacht. A fuehrer of the General SS, unless he already had military rank, was taken into the Waffen SS as a common soldier. On the other hand, officers of the Wehrmacht were taken into the Waffen SS with equivalent rank.

Q Then would you conclude, witness, that activity in the General SS was in no way evaluated as pre-military training, because the member of the General SS from the beginning had to do military service in the Waffen SS or the Wehrmacht just as a non-member did?

A Yes, of course. That is how it was.

Q Is it true that in Germany the Waffen SS was considered as a branch of the Wehrmacht and not as the Prosecution says, a Nazi troop?

A Yes. At least that can be emphasized from my sphere. Only the

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selection was carried out according to SSdirectives, while selection for the Waffen SS depended on approval of the Wehrbezirkskommando. Induction into the Waffen SS took place with the induction order of the Wehrmacht. The volunteer contingents of the Waffen SS were prescribed by the High Command of the Wehrmacht, and forcible inductions took place on the basis of the orders of the High Command of the Wehrmacht. One can also say that we had no connection whatever with the Party, for the Party gave us no orders.

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The few party members who were in the party SS for the period of their service paid no party dues. They did not receive awards of the party. The whole replacement and supervision of the Waffen SS according to the high command of the army, and the army service regulation 8115. Since service in the Waffen SS and in the Army were practically equal, in the fall of 1944 we carried out the long sought merger with the army replacement offices.

Q In connection with the question of the President to the witness von Eberstein, I should like to ask you something about the composition of the guard personnel of the concentration camps. Is it true, as the Prosecution asserts, that the general SS during the war took over the guard duty at the concentration camps ?

A That cannot be said. The 8,000 men of the Totenkopf formation, of which I spoke previously at the beginning of the war, consisted only in part of members of the general SS. In October, 1939, when the SS Totenkopf division was set up, it was made into a front unit. These men were replaced by draftees. They included, I should perhaps say, 3,000 men of the general SS. But these men were taken from the general SS by the emergency service regulation, which could equally have been applied to the induction of other men, which was done in part, for example men of the Reichs Kriegerbund and of the Kyffhaeuserbund. During the whole war the general SS did not replace the guards for concentration camps unless one or another SS man who was incapable of service at the front was transferred there.

Q Please tell us briefly what the purpose of the so-called emergency service regulation was and to whom it could be applied.

A The emergency service regulation was, in my opinion, as far as I am informed, a regulation of the Reich according to which, in time of such emergency, any member of the German Reich could be inducted for special service to the Reich. I have al-

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ready mentioned this morning that 36,000 men were taken from the general SS on the basis of this regulation by the Reich Ministry of the Interior. The Reich Ministry of the Interior, through its program, as far as I know took almost 1,000,000 such people for police reserves, including these 36,000 men of the general SS.

Q The emergency service regulation and its effect are made clear by document SS 23. Can you tell us who took over the guarding of concentration camps during the war ?

A For the most part during the war, racial Germans and members of the German Wehrmacht guarded the concentration camps. I may perhaps explain it briefly. In 1940 and 1941 the guard personnel of the concentration camps were only replaced to a small extent. For the most part, there were members of the Kiefhaeuserbund, the warriors league, and the Reichskriegerbund, who came partly as volunteers and partly as draftees. In 1942 racial Germans and volunteers from the Reich who did not, however, volunteer for guards for concentration camps by the Waffen SS, but who, because of unsuitability for service at the front, couldn't be put in the Waffen SS, these people were made guards. In 1943, the recruiting was similar. In this year also, a contingent of veterans came, and in 1944 the last young men of the concentration camp guards were to b e sent to the front. In this year the great majority of the guards in the concentration camps were members of the German Wehrmacht. I know that the OKH reached an agreement with the inspector of the concentration camp that the army would take over the guarding. I myself saw the order. 10,000 men were mentioned in it.

Q Can you give us figures on the concentration camps ?

A Yes. In the SS main office, the army had supervision of the guards at the concentration camps.

Q What does "Wehrueberwachung" mean ?

A That means that every man was included in a card index so that in case he was transferred, the office concerned

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would know exactly where the man was and when he would be available again. As I was saying, the record was kept of these men at the SS Hauptamt. I know that about 7,000 such men were racial Germans, that about [illegible] were from the Army, and some from the Luftwaffe, and that there were 10,000 men who had volunteered for the Waffen SS, but as a result of unsuitability for front service were simply transferred to the guard personnel of concentration camps. This included the Kyffhaeuser members whom I have already mentioned, also SA members, persons without a party, and so forth. About 6,000 men at the end of 1944 were from the Notdienstverordneten and the old Frontkaempferverbanden, and a few wounded members of the Waffen SS.

Q What do you mean by that ?

A That means people who had been wounded at the front and were no longer able to do military service at the front, but were still suitable for guard duty.

Q Now can you tell us whether the majority of the men, no matter where they came from, were volunteers or whether they were drafted ?

A No one at all volunteered for guard duty at concentration camps. The racial Germans as well as the Reich Germans who were used as guards were assigned there. The members of the Wehrmacht also, as far as I know, did not volunteer for this service but were sent there by order.

Q Witness, what do you know about the administration of concentration camps ?

A The highest administrative authority for concentration camps was the inspectorate KL. This inspectorate KL was in 1939 or at the beginning of 1940 based on the general inspector for the Totenkopfverbaends. In 1942 the inspectorate KL as Amtsgruppe D was transferred to the WVHA.

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Any insight into the internal affairs of this Amtsgruppe such as I had with many other SS agencies, was not had by me. In the first place, this Amtsgruppe D was far away from us in Berlin. In addition, with the exception of the assignment of a few men, which was by telephone, we had no personal contact.

Q Can you, on the basis of your long service in the Waffen SS and your position, give any information as to whether members of the Waffen SS in general had the opportunity to learn anything about the crimes which are now charged against the SS as a whole?

A Hundreds of thousands of people, mostly young men, were inducted into the Waffen SS at the beginning of the war. These people were 13, 14, perhaps 16 years old. When they came into the Waffen SS, they were only at the front. If they went home for a few days on leave, they did not worry about politics or enemy propaganda. They wanted to see their families. Tens of thousands of wounded men in hospitals had only one desire -- to regain their health. They did not listen to the enemy radio either so that they could have learned anything. I talked to many of these men, and I know they were interested only in their military service. Only one per cent of those inducted were employed in the office and agencies of the Waffen SS. Very few of these were in positio tolearn anything. However, they did not and would not tell us anything about what kind of service they had there. In every office of the Waffen SS and SS as a whole there was a poster with an order from the Fuehrer which said, "You must know only as much as belongs to your official duties, and concerning what you learn, you must be silent."

Q Was not this order, therefore, a military one?

A I believe this order of the Fuehrer was in effect for the whole of the Reich.

Q Perhaps you know something about another point of the indictment. When you were with the staff of the Leibstandarte, did you learn anything, for example, about the proposed invasion of Austria?

A Among the troops, it is true that the soldier always knows the least. The Leibstandarte was no exception. I recall very well how it was with the entry into Austria. Although the Leibstandarte was one of the first formations to march into Austria, we made no preparations for this entry. I know exactly, since I was secretary with the staff, that neither the Adjutant nor

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the Hauptsturmfuehrer knew anything half an hour before we left as to where we were going. When the Leibstandarte was in Austria, there was such enthusiasm that none of us would have thought that a crime had been committed here. The fact that we, as Leibstandarte, moved into Austria was a matter of course to us because the Fuehrer was there and we, as his bodyguard, went to Austria, too.

Q Witness, in view of the evidence which has been presented here, do you want to deny that millions of killings have taken place which are now being charged against the Waffen SS?

A I have talked to many members from various internment camps on this point. I can only repeat what we told each other. The Allies have given us a big puzzle with the discovery of this crime. We were always trained in honor, discipline and decency. For five years we fought in good faith for our fatherland. Now we sit behind barbed wire and everyone tells us we are murderers and criminal. I can only say one thing, and I say this for my comrades to whom I have spoken -- we did not know of the abominable atrocities of Himmler who betrayed and deceived us by preferring death to responsibility, By committing suicide, he placed himself outside the ranks of the former SS, and this smallcircle of men who perhaps misunderstood obedience and became his assistants, because they knew how to keep silent. Until today we knew nothing about it.

DR. PELCKMANN: Thankyou. I have no more questions.

CROSS-EXAMINATION

BY MR. ELWYN JONES:

Q Witness, you have said that the SS and Waffen SS, in particular, was always trained in honor and decency. Himmler used to come and lecture to your division, the Leibstandarte, you know, did he not?

A I was not present at any speech which Himmler made to the Leibstandarte.

Q Did you know that he made speeches to the officers of the Leibstandarte?

A Yes. As far as I recall, there was a speech when I was at the Ergaenzungsamt. My comrades told me about it.

Q Do you know what Himmler said?

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A No.

Q Did you not think it was right to ask them?

A Of course. I always asked because as a former member, I was still interested in what was going on. As to having some recollection of an individu speech, I was not interested.

Q Because he was educating your division in what is the very opposite of honor and decency, you know. Did you know, for instance, of the mass murder of the leaders of the Polish nation by the SS?

A That cannot be possible. I read a great deal of the training material of the SS. I did not read any request to commit such mass murders.

Q Let me read to you two or three sentences from a speech Himmler made to the officers of your own regiment. I refer to 1918 PS, Exhibit US 304. "Very frequently the member of the Waffen-SS thinks about the deportation of this people here. These thoughts came to me today when watching the very difficult work out there performed by the Security Police, supported by your men, who help them a great deal. Exactly the same thing happened in Poland in weather 40 degrees below zero, where we had to haul away thousands, ten thousands, hundred thousands; where we had to have the toughness -- you should hear this but also forget it again immediately -- to shoot thousands of leading Poles, where we had to have the toughness, otherwise it would have taken revenge on us later."

Are you saying that you did not know that Himmler said that to your regiment?

A In the first place, I did not know it. In the second place, as far as I have heard, no members of the Waffen-SS did that. Himmler said "we." I do not know who this "we" is. As far as I heard, that is not shown by the speech.

Q Himmler was addressing the officers of your regiment. The SS Leibstandarte, Adolf Hitler told them that the murders shall be the work of the Security Police, namely, your men, the men of your regiment. That is perfectly clear, is it not?

A No. That is not clear.

Q Let me read to you another indication of the honor and decency in which you are apparently being inculcated. At page 10 of the German text of

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Himmler's speech; page 3 of the English text, you willsee how Himmler -- you need not trouble to read it at the moment -- you will see how Himmler was telling your regiment of the SS that out of the slave labor of the victims of his organization, money was to be raised for the benefit of the SS men. I will read to you what he said.

THE PRESIDENT: We have had this document read before, I think.

MR. ELWYN JONES: Yes, My Lord. I am only going to refer to two sentence of it.

THE PRESIDENT: The witness said he was not here.

MR. ELWYN JONES: That is so, My Lord. What I am suggesting is that this was an address to the officers of his own regiment. At the showing before the Commissioner, it was indicated he joined a month later.

BY MR. ELWYN JONES:

Q When did you rejoin the Leibstandarte, Mr. Witness? In 1941?

A I joined in 1933.

Q Did you rejoin it again in 1941?

A In 1941, from June to August, I was on the Russian front with the Leibstandarte.

Q So you joined this regiment a few weeks after Himmler had addressed the officers of it?

A I do not know exactly when Himmler's speech was.

MR. ELWYN JONES: If it is not desired that I should put the document to the witness, I certainly should not do so against the wish of the Tribunal.

THE PRESIDENT: The Tribunal would rather you did not.

Q Can you explain to the Tribunal why it was that the Waffen SS, the personnel of the Waffen-SS, were used in anti-partisan activity?

A No. I did not know that the Waffen-SS was particularly used against the partisans. On the basis of my position, I know that the Waffen-SS was often subordinate to army units and here, perhaps in exceptional cases, was employed in anti-partisan activities. On the whole, however, the Waffen-SS with its divisions was at the front. I know nothing of the special partisan units of the Waffen-SS.

Q I suggest to you that for military or other tasks that call for ruthlessness or political fanaticism, the Waffen-SS was used. Is that not so?

A I do not know that. I know nothing about it. Please give me an

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example so I can comment on it.

Q I will tell you what Fieldmarshal Goering has said about it to the Duce, in the Palazzio Venezzio, on the 23 of October, 1942. I am referring to the document D 729, Exhibit GB 281. He described Germany's method in fighting the Partisans.

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Q I'll tell you what Field Marshal Goering said about it to the Duce in the Palazzo Venezzia on the 23rd of October, 1942. I am referring to the Document D/729, Exhibit GB-281. "...The Reichsmarshal described Germany's method in fighting the partisans." He describes the taking away of livestock and the other details of the technique that was advocated; and then Goering says, "Germany had experienced that, generally speaking, soldiers were no use in carrying out such measures. Members of the party discharged this task much more harshly and efficiently."

If you'll be good enough to listen to me reading it, Witness, it will come over the headphones. "Members of the party discharged this task much more harshly and efficiently. For the same reason armies that were strengthened by a political creed such as the German (or the Russian) fought much more energetically than others. The SS, the guard of the old fighters of the Party who have personal ties with the Fuehrer and who form a special elite, confirm this principle."

That's correct, isn't it, Witness?

A I don't know whether the Reichsmarshal gave any order to combat partisanship. What the Prosecutor has just read is a statement of opinion to another statesman. I see no orders in that to the Waffen SS; and for that reason I maintain my testimony that the Waffen SS as a unit was not used for combatting partisans.

MR. ELWYN JONES: If it please your Lordship, in view of the evidence which is before the Tribunal on the employment of the Waffen SS and on its pay measures, I am not going to proceed with the cross examination as to the general matters with which this witness dealt. The Court has indicated that it doesn't desire me to put matters which should be put in cross examination before the Commissioners and under those circumstances, I have no further questions to ask but I will take my cross examination before the Commissioners for the purposes of the Tribunal.

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COLONEL SMIRNOV: I am going to ask a very few short questions with your permission.

CROSS EXAMINATION

BY COLONEL SMIRNOV:

Q As I understood you, Witness, you were very surprised when you learned about the killings in the concentration camps?

A Yes.

Q And you contend that the Waffen did not participate in the killings in the concentration camps?

A I said that I and my comrades of the Waffen SS knew nothing about killings that were carried out. The defense counsel told me. I do not deny it.

Q Will you tell us, please, who was in charge of the Kommandantur within the concentration camp who took care of the administration? Was it the Waffen SS?

A No, they were not Kommandanturs of the Waffen SS. Members of the Nominal Waffen SS were in the Kommandanturs; but there is a clear order of the high command of the Waffen SS which I have already mentioned. It is included in the army circular of December, '40, to the effect that members of the Totonkppf formation do not do any military service in the sense of the SS.

Q I would like to ask you to be more concise. So you contend that the military Kommandanturs in concentration camps were not under the Waffen SS?

A The Kommandanturs were not under the command of the Waffen SS; but members of the Waffen SS were in the Kommandanturs. There is a distinction.

Q But the Waffen SS were not in charge of the Kommandanturs?

A No, they were not Kommandanturs of the Waffen SS.

Q Another question. Before I refresh your memory on this question, is it the staff of the Waffen SS who is responsible for the crimes committed in the concentration camps?

H0197-0063

A The inspector of the concentration camps was the supreme authority for the guards, personnel, and the Kommandanturs of the concentration camps; and this inspector was responsible, as far as I know, for all concentration camps.

Q What was the rank of Gluecks? Do you know that name?

A Gluecks was the Kommandantur or Kommandant of the inspector at the concentration camps.

Q I must ask you, what is his military rank? Was he a general Waffen officer?

A I believe he was a Lt. General of the Waffen SS.

COLONEL SMIRNOV: Sir, please allow me in order to refute the words of the witness to present a document which, although it is a private document, has an exceptional evidential value. I am speaking now of an order of the Generalmajor of the Waffen SS, Gluecks about the utilization of human hair in the concentration camps. If the Tribunal please, while evidence was presented concerning the Auschwitz concentration camps, when it was mentioned that the hair of hundreds of thousands of women was utilized for commercial aims, we did not know at that time what was the aim of the utilization of this hair; but now we have evidence about the utilization in this document.

Now I am quoting: "Secret. SS-General Economical and Administrative Department, Department D., Concentration Camps. Oranienburg, August 6, 1942. Copy Number 13. Re: Utilization of cut hair. To: Concentration Camp Kommandants." And then the thirteen concentration camps are mentioned. I skip it.

"The Chief of the Central Economical and Administrative Department of the SS, SS-Obergruppenfuehrer Pohl, on the basis of a report submitted to him, orders that all human hair cut in concentration camps be accordingly utilized. Human hairs are spun into industrial felt and yarn. Out of combed and cut hair of women, hair-yarn stockings for u-boat crews are made, as well as hair-felt stockings for the Reich railways.

"Therefore, I order that the hair of women prisoners after due disinfection be collected. Cut hair of male prisoners must be utilized beginning with 20 milimeters length.

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"SS-Obergruppenfuehrer Pohl therefore gave his consent that in the way of experiment the hair of male prisoners should be cut only when they reach a length of 20 milimeters.

"In order to avoid facilitating escape in connection with the increase of length of hair, in all cases here the Kommandant finds it necessary the prisoners should be marked in the following manner; a strip should be clipped by means of a narrow clipper through the hair.

"The hair gathered in all the camps will be utilized by creating a special production unit in one of the concentration camps.

"More detailed instructions as to the delivery of stores of hair will be given separately.

"Reports on amount of hair gathered each month, male and female recorded separately, must be submitted on the 5th of each month, beginning with the 5th of September, 1942.

"Signed: Gluecks, SS-Brigade-Fuehrer and Generalmajor of the Waffen-SS."

Q Now, I would like to draw your attention to the signature, the Waffen SS Kommandantur, Sachsenhausen. Do you still continue to say that the Kommandanturs of the concentration camps were not on the budget of the Waffen SS?

A Yes. I will explain that. The Kommandanturs of the Waffen SS, the Kommandanturs of the concentration camps, were in the nature of the Waffen SS.

Q So they were among the SS troops, weren't they?

A I said they were on the budget of the Waffen SS; but it was necessary for economic reasons when organizations were to be mentioned by the Kommandanturs, which had the possibility of working with Reich funds and with the Reich authorities.

COLONEL SMIRNOV: For clarity, on this question, may I draw your attention to the sentence where it is said, "Kommandantur K.L., Sachsenhausen, Waffen SS." My words confirmed that the Waffen SS was in charge of the Kommandantur. I have no more questions to ask.

THE PRESIDENT: Do you want to re-examine?

H0197-0065

DR. PELCKMANN: I will ask the next witness about what I am asking now in one final question.

BY DR. PELCKMANN:

Q Did you ever hear the expression "Nominal Waffen SS"?

A Yes. The expression "Nominal Waffen SS" was used by us for the guards, personnel, and Kommandanturs of the Waffen SS. As far as these Kommandanturs were in the Waffen SS at all, we called them the Nominal Waffen SS. Within the Waffen SS I already explained on the regulation for replacement, we had the Nominal Waffen SS, that is, the troops; and then on the economic budget of the Waffen SS, we had various formations which, at the order of Himmler, were put there so that they could enjoy the advantages of the Waffen SS in regard to treatment by authorities and so forth.

Q Then it was a technical expression which was known everywhere, the Nominal Waffen SS?

A Yes. The Waffen SS proper, that is the troops, were under a Kommando Amt of the Waffen SS unless they were under the Army; and this inspector of the concentration camps was not under the Kommandant of the Waffen SS and received no orders from them. The inspector of the concentration camps Gluecks office had its own channel of command. As far as I know, it received its mail independently, and so forth; and as far as I know, it was not even connected with the WVHA., of which it was an Amtsgruppe. Thank you.

BY THE TRIBUNAL (Mr. Biddle)

Q Witness, you said that the Kommandanture were within the budget of the Waffen SS, Did you mean on the budget of the Waffen SS?

H0197 – 0066

A On the budget.

Q Of the Waffen SS?

A On the budget of the Waffen SS, as far as I know.

Q And was the Inspectorate of concentration camps also on the budget of the Waffen SS?

A I cannot say for sure.

Q How were the Waffen SS paid in the first place? Were they paid in the same manner as the Wehrmacht?

A Yes.

Q Were they paid the same amounts?

A Yes.

Q And was their budget in the budget of the Wehrmacht or was there a separate budget?

A Yes.

Q What do you mean "yes"? Was it in the budget of the Wehrmacht, or was it a separate budget?

A We were paid according to the rank pay order section of the Army, that is, from the budget of the Wehrmacht.

Q So in all respects as far as pay went, you were part of the regular army, is that right?

A Yes, that's right.

Q Why then did you keep this separate designation of Waffen SS if you were part of the Wehrmacht?

A I assumed that Himmler and particularly Hitler wanted it that way. He wanted a Waffen SS, a special troop.

Q You had separate uniforms, did you not? You had different uniforms from the Wehrmacht?

A We had the same uniforms, only different insignia. That is, we had the same shoulder insignia, only in addition we had stars and stripes which the Wehrmacht did not have.

Q To what extent after you joined the army, were you still subject to Himmler's command?

A We weren't under Himmler's orders at all. Up to 1939 SS Verfuegungstruppe were under Hitler's orders; and then the Waffen SS was also under Hitler's orders as commander-in-chief of the Wehrmacht.

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Q. Did Himmler have anything to do with the Waffen SS?

A. Yes. For example, Himmler had the right to inspection; he had the right to make promotions, and as regards administration and care of the troops, and as far as I know in legal matters, Himmler had an influence. That was his office.

THE PRESIDENT: The witness can retire.

DR. PELCKMANN: Your Lordship, to clear up the question which the Tribunal has just asked, I consider it necessary to call the head of WVHA, the witness Puhl.

THE PRESIDENTL Is he one of the witnesses that have been allowed to you?

DR. PELCKMANN: It is not one of these witnesses. I only want to prepare orally for my written application which I shall hand in.

THE PRESIDENT: The Tribunal thinks you had better call your next witness, Dr. Pelckmann.

DR. PELCKMANN: The next witness will testify on the questions that you asked the last witness. I shall give my suggestion for the cross-examination of the witness Puhl in writing.

I call the witness Hauser.

PAUL HAUSER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Will you state your full name, please?

A. Paul Hauser.

Q. Will you repeat this oath after me?

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may sit down.

BY DR. PELCKMANN:

Q. When were you born?

A. I was born on the 7th of October, 1880.

Q. You were a professional soldier?

A. Yes

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Q. When did you leave the Wehrmacht?

A. On the 1st of February, 1932, I left the Reichswehr as a lieutenant general.

Q. How did you come to the SS?

A. In 1933, as a non-party member, I joined the Stahlhelm.

Q. Please speak more slowly, witness.

A. In 1934 I was transferred to the SA reserve with this organization. After the events in the summer of 1934, I was asked by Himmler whether I would be willing to take over the establishment and direction of an officer-candidate school. I accepted this assignment, and in November, 1934, I joined the Verfuegungstruppe.

Q. At what time and in what position did you acquire the knowledge which enabled you to appear here and testify as a witness for the SS?

A. From Easter, 1935, to the summer of 1936, I directed the school. Then I was inspector of the Verfuegungstruppe from 1936 to 1939. During the war, for two years in each capacity, I led an SS division and an SS Panzer Corps, and then from 1944 on, in the army, I was employed as commander-in-chief of an army group.

I am in a position to give information on the Verfuegungstruppe in peace times and on the Waffen SS during the war, as far as I knew it personally; and it was under my orders. I did not know the General SS. During the war I was not employed at the Central Office.

Q. What was your last rank in the Waffen SS?

A. I was colonel-general of the Waffen SS.

Q. What was your last position?

A. At the beginning of 1945 I was commander-in-chief of Army Group B on the southern flank of the western front.

Q. About how many divisions were under you at that time?

A. This Army Group had 20 to 30 divisions, only two of which belonged to the Waffen SS.

Q. How did you as general of the Waffen SS come into a leading position

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in the Army?

A. That was a result of close cooperation between the Army and the Waffen SS. On the basis of my previous experience with the Army, my employment in that capacity was suggested.

Q. Go back to the beginning. When was the Verfuegungstruppe created? How strong was it, and how did it become?

A. The beginning of the Verfuegungstruppe went into the year 1933. In this year, the Leibstandarte was created as a sort of body guard for Adolf Hitler. Following that, individual battalions were formed more for representational purposes. Only at the very beginning, in 1933 and 1934, were men of the General SS used. Later the very youngest of the age-groups subject military duty were recruited.

Q. What was the strength in 1936, and as an example, in 1939?

A. In 1936, there were three infantry regiments and three battalions. In 1939 there were four infantry regiments, one artillery regiment, and three technical battalions.

THE PRESIDENT: The Tribunal thinks this would be a convenient time to break off.

(A recess was taken)

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THE PRESIDENT: The Tribunal will adjourn at half past four this afternoon.

BY DR. PELCKMANN:

Q. Witness, what was the purpose and the task of the so-called Verfuegungstruppe? Was it to serve as a new armed force alongside the Wehrmacht?

A. The aim and the task could be seen from the basic decrees of Hitler of August 1938. According to those decrees the Verfuegungstruppe was to belong neither to the Wehrmacht nor to the Police. It was to form a standing troop at the disposition of Adolf Hitler and it was paid from State monies. The training was supervised by the High Command of the Army and replacements were to be taken from volunteers of the youngest age group.

Q. Through that was the Verfuegungstruppe to be a political nucleus? The Prosecution accuses it of being a special instrument for the oppression and doing away with of political opponents and of having been a weapon for the realization of Nazi trains of thought.

A. That is not true. The Verfuegungstruppe had neither political nor police tasks. It developed eventually into a test troop which had to watch and observe all the old soldierly virtues, to begin them with modern times, the relationship between officers and enlisted men, do away with the difference without certain examinations, and for the doing away with any and all exclusiveness.

Q. Were the members of the Verfuegungstruppe expected to give blind obedience?

A. No. They swore obedience and loyalty to Adolf Hitler and to superiors but an unconditional obedience which would have included crime was not expected and was not sworn to.

Q. The prosecution is accusing the Verfuegungstruppe particularly of having incited racial hatred and the fight against the Jews and that these two tasks were its special ones. Was the troop trained that way?

A. This education could only have been carried through by training. I, personally, as leader of the candidate school as well as an inspector of this training, for I myself was a new man and had to orient myself to the new

H0197-0071

processes of thought. I can tell you that race hatred and extermination of Jewry of the eastern peoples was never taught and was never demanded.

Q. According to the prosecution, this troop served the purpose of preparation for an aggressive war. Was their predominance in Germany through terror and the conquering of all Europe, was that taught?

A. These young troops needed time and peace for admission as candidates. Their commanders were veterans of the First World War without exception. They knew war and they knew that it had brought misery and misfortune to us once already. Terror on an unknown scale and conquering of small countries was completely foreign to this young troop.

Q. From the development and the building up of this Verfuegungstruppe, without considering the re-establishment of conscription in 1936, that through this troop a breach of the Treaty of Versailles was being hoped for?

A. Before the re-establishment of conscription, this troop had 45,000 men only and could come into consideration for neither a defensive nor an offensive war. They had no divisional staff, they had no general staff; they had no replacement of men or officers. There was no preparation for a war of aggression; we were not ready.

THE PRESIDENT: Witness, could you speak in a slightly lower tone of voice? The sound of your voice interferes with the sound of the interpreter's voice coming through to us.

THE WITNESS: Yes, sir.

BY DR. PELCKMANN:

Q. What task did you personally have as inspector of the Verfuegungstruppe?

A. I was not commander with the power to issue orders and commands but rather I was an inspector responsible for training of the troop. Beyond that, I received executive orders from Himmler on questions of organization.

Q. Did the replacements consist of volunteers and where did they come from? What were the motives for their joining?

A. Until the beginning of the war replacements came from volunteers

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only. In the first years, that is in 1933 and 1934, they came from the General SS.

THE PRESIDENT: Witness, may I remind you once more to speak a little lower and a little less loud. Otherwise, the voices will cross in the translation. And please speak a little more slowly as well.

A. The volunteers were recruited in the entire country from their applications, which were present in many cases. Questions of ideology were not decisive. Men who wanted to serve in military service in the various units and especially in motorized units.

Q. What relationship existed between the Verfuegungstruppe and the many other various branches of the organization which was under Himmler's uniform command?

Q. What can you tell us about the task of the Death's Head units?

A. The tasks of the Death's Head units were contained in the basic decree of August, 1938 and with varying degrees and at times they furnished guards for the concentration camps. They had no entrance to the inside of the camp. Their replacements were recruited among the German youth or among men who had already served their period of military service. Their training was not supervised by the armed forces but on the whole was rather soldierly.

Q. Did service in the Death Head unit correspond or was it equal to service in the armed forces?

A. No, that was not the same and it did not serve the same purpose.

Q. And these young volunteers who were recruited, did they know that they were to be used to supervise and guard concentration camps?

A. I do not have an insight into the recruiting of the Death Head units, but I do not believe that they were told the aim.

Q. What do you know about the participation of these Verfuegungstruppe in the incidents of the 30th of June, 1934 and the 9th of November, 1938?

A. I can not speak of any participation on the 30th of June, 1934 for at that time I was not in the Verfuegungstruppe, but I do know that men of the Verfuegungstruppe were convinced that the executions which were being carried

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out there had been caused by acts of the State and force used by the State. The excesses of the 9th of November, 1938, the Verfuegungstruppe was in no way connected with. The large majority, such as the regiment at Munich, and all the recruits, had gathered at Munich for the annual swearing in program.

H0197 - 0074

Q. What do you mean by the Waffen SS ?

A. After the beginning of the campaign in the autumn of 1939, from the Reichsdeutsche (Reich Germans), the Death Head Units, and from men who had been trained for the police, three divisions were first of all set up, and variousother smaller units which were grouped together were then set up under the name of Waffen SS. Indreasing need for more troops for the war gradually led to a marked increase up to more than 35 divisions. In the unplanned growth or increase, it is a fact that the contributing factor, that all German nationals who volunteered from the North, from the East, and from the Southeast of Europe, served in this Waffen SS. The total strength, with all losses considered, might be said to be about 900,000 men. I might estimate that the figure of the Reichsdeutsche (Reich Germans) would comprise one-third to one-half.

Q. At the end of the war ?

A. Yes, at the end of the war.

Q. The Prosecution asserts that the Waffen SS deliberately participapted in a war of aggression. Is that assertion correct ?

A. Members of the Waffen SS did not have the impression that they were participating in a war of aggression, and that they were being used for that purpose. They lacked any and all insight as to whether they were being used for a war of aggression. Their orders bound them to these idea. It was not possible for them to refuse to participate in a war.

Q. During the war was there a uniform or unified SS Chief Commandant ? To whom were the divisions subordinate during the war ?

A. A unified SS chief command post did not exist during the war. The main office was in Berlin and that was an administrative institution. All divisions of the Waffen SS were incorporated into the Army and fought under the command and in the final analysis, under the responsibility of the Army. I personally, in the five and one-half years of the war, received orders only from the armed forces offices and agencies.

Q. Did Heinrich Himmler have any influence on the divisions of the Waffen SS, and if so, what influence did he have ?

H0197-0075

A. The division which had been incorporated into the Army was subordinate to Heinrich Himmler only in question of personnel, the appointment of officers, andin judicial questions and questions of organization.

Q. The Prosecution states that the Waffen SS used special means of combat and that they fought deliberately cruelly, that they used terror methods, and carried through methods of extermination.

A. I must give you a straight no. The troop was young, it had no tradition, and it had no name. It had to prove itself first. The commanders had only personal pride in guarding the reports and the name of this troop in the brief time they were fighting in the field. The divisions in the Army fought in a mixed way with the troops and the generals would have treated any means that deviated from plain fighting just as they took steps in tactical matters -- they would have stepped in if this accusation of a terrorist method of fighting would have been a correct one. They would have noticed it just as I would have noticed it for the commanders are on the road days on end and they see how the troops are fighting and can judge what methods are being used.

Q. Were the officers and men to know about the holding of plebiscites ?

A. Even in peacetime and as part of thier training the officers and men were informed of the Hague Convention and the Hague Rules of Land Warfard. The testing and supervision o f it, of course, took place constantly during the war

Q. Is it correct that Himmler, at one time, said that the successes of the Waffen SS were to be credited to terroristic measures ?

A. Heinrich Him mler used this expression at one time in a speech. I reported to him that it was completely wrong, that we had not gained our successes through terror methods that preceded us, but rather, through the brave work of men and of officers, and in serious cases, up to our last possibility.

Q. What basic principles were applied for the treatment of hostile prisoners-of-war ?

H0197 -0076

A. The prisoners-of-war were treated according to the rules which applied in the Army. First of all, welfare work, food, treat,ent, just like in the Army. I personally in some regions where I was stationed noted that friend and foe were treated alike, according to the same principles, and the old way of handling prisoners or of dealing with prisoners did not apply.

Q. Was the nomination of Himmler to the rank of Commander in Chief of the replacement Army and their organization,and was his nomination and appoir ment as chief of the Prisoner-of-War system the cause of any changes in policy ?

A. Regarding the Waffen SS, no. But, the Prisoner-ofWar system was put under his authority since Heinrich Himmler was Supreme Commander of the Replacement Army, and he decreed that the higher SS and Police Leaders at home be charged with the supervision of the security measures of the prisoner of-war camps. I do not know, however, the details. I can only state that thereupon, the Higher SS and Police leaders were made generals in the Waffen SS.

Q. The Prosecution asserts that the Waffen SS, because of their will to destroy committed crimes against humanity and crimes against the laws of war in the occupied countries and arbitrarily destroyed cities and villages. Did the Waffen SS participate in those measures and in the deportation of nationals to Germany ?

A. I had occasion to see these troops during the war. I lived with troops in the east and west. The relationship was always a good one. It rested on mutual aid and assistance. Where we had to call the indigent population to help us, of course, for instance, repair work, they received food for their services. The arbitrary destruction of villages would have made it more difficult for us to get accommodations. I don't remember a single case in which the front troops of my division had ever taken hostages or destroyed villages as a punishment.

Q. Before the Eastern campaign, had you known of a decree of Hitler's which allegedly said that excesses of the troops toward the civil population were not to be punished ?

H0197 - 0077

A. That was not the wording of the order. Rather, it left the decision as to whether the troops, in their excesses towards the civil population, should be prosecuted by court and that was left to the court.
The sentences were reported to the Reichsfuehrer and excesses like that were punished very, very severely.

Q. Do you know the Kommissar order or decree ?

A. The Komm ssar order or decree was addressed only to the corps for the Waffen SS. In 1941 we did not have any corps at that time. This decree was and is unknown to me, therefore, we could not have been guided by it. I recall only having seen a later decree which asked for the forbidding of Kommissars. The troops, in reality, were not too concerned with this order for the Kommissars, as such, were not recognized by front troops ?

Q. Was the fight against the partisans a special task of the Waffen SS, and was this fighting to be considered a fight of extermination ?

A. The fight against partisans ...

(At this point there was a mechanical breakdown).

THE PRESIDENT: The Tribunal will adjourn for today.

(The Tribunal adjourned until 1000 hours, 6 August 1946.)